

NAFR

HIGH COURT OF CHHATTISGARH, BILASPUR

CRMP No. 471 of 2015

1. Rameshwar Pandey And Ors. S/o Late Rakesh Kumar Pandey Aged About 34 Years R/o 7 Mohan Nagar, Dhamdha Road, Durg, Distt. Durg Chhattisgarh.
2. Subhash Surana S/o Khemchand Surana Aged About 35 Years R/o Near Farishta Complex, Durg, Distt. Durg Chhattisgarh.
3. Suraj Shrivastava S/o J.P. Shrivastava Aged About 36 Years R/o Civil Lines Durg, Distt. Durg Chhattisgarh.
4. Ravindra Shrivastava S/o Hanslal Shrivastava Aged About 40 Years R/o Kelabadi, Durg, Distt. Durg Chhattisgarh.

---- Petitioners

Versus

1. Madhu Yadav S/o Mehattar Yadav Aged About 48 Years R/o Near Uttam Cycle Stores, Azad Chowk, Kasaridih, Durg, Distt. Durg Chhattisgarh.
2. State Of Chhattisgarh Through District Magistrate, Durg, Distt. Durg Chhattisgarh.

---- Respondents

For Petitioner	:	Mr. Smita Jha, Ms. Fouzia Mirza, Advocates
For Respondent/State	:-	Mr. Neeraj Jain, Govt. Advocate

Hon'ble Shri Justice Goutam Bhaduri

Order On Board

10/12/2015

1. Challenge in this petition is to the order dated 10.04.2015, passed by the Court of 8th Additional Sessions Judge, Durg, in Criminal Revision No. 24/2015, whereby the order passed by the Judicial Magistrate First Class, Durg, dated 2.01.2015 was affirmed. By such order, an application under section 156(3) of Cr.P.C. was

allowed directing the Police authorities to make inquiry in the matter and thereafter register the FIR and submit final report.

2. Learned counsel for the petitioner submits that the issue raised is to a sale agreement dated 16.09.2008 of Khasra No. 707/1 admeasuring 307 hectares whereby the complainant / respondent stated that the agreement was not executed. It is further stated that no such fabricated document exists. She also submits that the agreement having not been executed, the order of the Magistrate is only on the basis of the complaint filed by respondent No. 2 that the purported agreement is forged such findings are completely without any jurisdiction. She further submits that since the document do not exit at all , the direction to make enquiry is liable to be set aside.
3. In terms of the argument advanced, the document filed alongwith the petition perused.
4. Perusal of the document would show that the plaintiff Rameshwar Pandey and Subhas Surana petitioner No. 1 and 2 herein had filed a civil suit against Madhu Yadav, respondent wherein at para-2 it is pleaded that the plaintiffs Rameshwar Pandey and Subhas Surana had entered into an agreement dated 16.09.2008 with Madhu Yadav for purchase of agricultural land bearing Khasra No. 707/1 admeasuring 0.160 hectares. Therefore, the argument which is advanced by the learned counsel for the petitioners that no agreement exists is difficult to accept as the plaintiffs are petitioner No.1 Rameshwar Pandey and petitioner No. 2 Subhas Surana herein this petition. Further perused the document and the order of

the Court below annexed to the petition. By order dated 02.01.2005 the learned JMFC on the basis of complaint filed alongwith report of the expert which purports that that the alleged agreement executed do not contain the signature of Madhu Yadav has directed the Police to investigate the matter.

5. Therefore, in view of the submission made by the petitioner, that no agreement exists, I am unable to entertain the challenge made as the submission goes against the document filed by the petitioners themselves. No other grounds have been raised before this Court. Consequently, considering the submission made I am not inclined to interfere in the impugned order in absence of any substantial challenge to the same.
6. In view of the forgoing, I do not find any merit in this case to invoke the extra-ordinary jurisdiction under Section 482 of the Code of Criminal Procedure. In the result, the petition has no merit and it is dismissed accordingly.

Sd/-
(Goutam Bhaduri)
Judge