

HIGH COURT OF CHHATTISGARH, BILASPUR

Cr.M.P. No. 485 of 2015

1. Sagun Singh Thakur, S/o. Late Shri Madho Singh Thakur, aged about 53 years, R/o. Plot No. 10, Street No. F/6, Zone-2, Aadarsh Nagar Durg, Police Station Pulgaon, Tah. and District Durg, Chhattisgarh.

---- Petitioner

Versus

1. Rishi Chandrakar, S/o. Shri Ashok Chandrakar, aged about 29 years, R/o. Borasi, Durg, Tah. and District Durg, Chhattisgarh.
2. Virendra Kumar Verma, S/o. Shri Derha Verma, aged about 45 years, R/o. L.I.G. 473, Padmanabhpur Durg, Distt. Durg Chhattisgarh.

---- Respondent

For Petitioner - Jitendra Gupta, Advocate.

Hon'ble Shri Justice Goutam Bhaduri

Order On Board

29/06/2015

1. Heard.
2. Challenge in this petition is to the order dated 30.08.2012, passed in Criminal Revision No.154/2012, by the Sessions Judge, Durg, District Durg.
3. Initially the order dated 06.07.2012 was under challenge, whereby the Judicial Magistrate First Class, Durg has refused to take cognizance on complaint filed by the petitioner.
4. The complaint was filed U/s.499, 500, 420, 423, 425, 426 & 469 of I.P.C. on the ground that the respondent No.1, Rishi Chandrakar entered into an agreement of sale for land of 2000 sq.ft. alongwith house therein on 02.08.2011 and received an amount of Rs.5,00,000/- as an earnest money. Subsequently rest of the amount was not paid, which lead into dispute and consequently the agreement

was annulled. Subsequently, another agreement was entered and civil suit was filed. During the pendency, a poster was implanted that the house which was the subject matter is a disputed property and no one should purchase it.

5. During the course of enquiry, the Trial Court came to the conclusion that the plaintiff could not place any evidence which shows that the said board was implanted by the respondent, consequently in absence of any evidence, the complaint was dismissed. The same was also affirmed by the Revisional Court
6. Having regard to the facts and taking into the issue involved the petitioner is not able to substantiate the fact as to how three years have lapsed and what was the reason which restrained the petitioner to file the instant petition. Filing of petition under Section 482 Cr.P.C. to involve inherent power of the Court can not be as a matter of right unless it is substantiated that the gross illegality has been committed. Reading of the order of the Court below and the order of the Revisional Court nothing comes to fore so as to hold that the said order suffers from material illegality or perversity so as to invoke the bar under Section 482 of Cr.P.C..
7. Consequently, the petition has no merit and is dismissed accordingly.

Sd/-
(Goutam Bhaduri)
Judge