

NAFR

HIGH COURT OF CHHATTISGARH, BILASPUR**WPCR No. 57 of 2015**

- Amit Kumar Jaiswal, S/o Late Shivnandan Lal Jaiswal, aged about 39 years, R/o Purani Basti Katghora, P.S. Katghora, District Korba (C.G.)

---- **Petitioner****Versus**

- State of Chhattisgarh Through Station House Officer, Police Station Shakti, District Janjgir-Champa (C.G.)

---- **Respondent**

For Petitioner : Shri Alok Bakshi, Advocate.
For Respondent : Shri Adhiraj Surana, Deputy Govt. Advocate.

Hon'ble Shri Justice Prashant Kumar Mishra**Order On Board****11/03/2015**

1. In this petition under Article 226 of the Constitution of India, the petitioner is seeking quashment of the FIR registered vide Crime No.418/2014 for offences under Sections 409, 419, 420, 467, 468, 471/34 of the IPC registered against him at Police Station Sakti, District Janjgir-Champa.
2. Facts of the case, briefly stated, are that the petitioner was awarded contract by the Chhattisgarh State Power Distribution Company Limited for shifting of energy meters. While claiming certain payment under the said contract, the petitioner forged the orders of Executive Engineer (Vikshep), CSPDCL, Bilaspur and prepared 6 number of bills amounting to Rs.12,13,640/- and obtained the said payment. Since the Executive Engineer had never passed the orders for preparation of the said bills, the

present FIR has been filed against the petitioner and co-accused Pankaj Kela, who also committed similar culpable act and obtained payment of Rs.23,72,796/-.

3. Learned counsel for the petitioner would argue that the bills submitted by the petitioner was cleared at all level from the office of Senior Accounts Officer after due verification, therefore, the allegation that the Executive Engineer never issued any such order for preparing bills is false and the petitioner is being harassed even though he has not committed any crime.
4. From the documents submitted along with the writ petition, it does not appear that after registration of FIR on 29.10.2014, the concerned police has completed investigation and filed the charge sheet. Thus, the matter is at the stage of investigation. Prima facie it appears that the concerned Executive Engineer has denied to have put his signature on the relevant bills, therefore, at this stage, contents of the FIR cannot be disbelieved.
5. In **State of Maharashtra & Ors. Vs. Arun Gulab Gawali & Ors**¹, it has been held by the Supreme Court that powers under Article 226 of the Constitution for quashing criminal proceedings have to be exercised very sparingly, with circumspection, that too in very rarest of rare cases.
6. In **Bharat Amratlal Kothari and another Vs. Dosukhan Samadkhan Sindhi and others**², it has been held that powers under Article 226 cannot be exercised to quash an FIR which made out prima facie commission of offence.
7. In **State of Andhra Pradesh Vs. Gourishetty Mahesh and others**³, the Supreme Court has reiterated the duty of the writ Court while considering

¹ AIR 2010 SUPREME COURT 3762

² (2010) 1 Supreme Court Cases 234

³ (2010) 11 Supreme Court Cases 226

prayer for quashment of criminal proceedings.

8. In **Padal Venkata Rama Reddy alias Ramu Vs. Kovvuri Satyanarayana Reddy and others**⁴, it has been held that quashing of criminal proceedings under Article 226 of the Constitution or under Section 482 CrPC is permissible only if the complaint does not disclose any offence or the same is frivolous, vexatious or oppressive. It is held that the High Court cannot get into meticulous analysis of facts as to likelihood of acquittal or conviction.
9. In **C.P. Subhash Vs. Inspector of Police, Chennai and others**⁵, it has been held that the High Court in ordinary course should not invoke its powers to quash such proceedings except in rare and compelling circumstances.
10. Since the petitioner has only challenged the FIR and copy of the charge sheet has not been made available to this Court, this Court has no occasion to peruse the other evidence apart from the material available in the FIR so as to decide whether any offence is made out against the petitioner. Even otherwise, the matter is at the stage of investigation. At this stage, the High Court, while deciding the petition under Article 226 of the Constitution of India, is not required to meticulously examine the material to find out as to whether the offence is made out against the petitioner or not.
11. Considering the scope of interference in matters wherein prayer for quashment of FIR is sought, no case for interference is made out. Accordingly, the writ petition deserves to be and is hereby dismissed.

J U D G E

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⁴ (2011) 12 Supreme Court Cases 437

⁵ (2013) 11 Supreme Court Cases 559