

NAFR

HIGH COURT OF CHHATTISGARH, BILASPUR**CR.M.P. No.1122 of 2015**

Mannu Manikpuri, S/o. Ram Das Manikpuri, aged about 40 years, R/o.
New Sarkanda, behind Muktidham, Tehsil and District - Bilaspur

---- Petitioner**Versus**

State Of Chhattisgarh, Through the Station House Officer, Police Station –
Sarkanda, Bilaspur (C.G.)

---- Respondent

For Petitioner : Mr. Ankur Agrawal, Advocate.
For State/Respondent : Mr. Neeraj Jain, Govt. Advocate

Hon'ble Shri Justice Goutam Bhaduri**Order On Board****09/12/2015**

1. The instant petition under Section 482 of Cr.P.C. is filed to quash the FIR bearing Crime No.486/2015 dated 03.10.2015 registered against the petitioner at Police Station – Sarkanda, Bilaspur, District Bilaspur.
2. Learned counsel for the petitioner submits that the sister of the petitioner had called the police that she had been kept in captivity and thereafter, the police after reaching the spot did not find anything, which goes to prove that false FIR and report has been registered against the petitioner. Consequently it may be quashed as otherwise anyone can be apprehended and tortured by the false report.
3. Per contra, learned State counsel opposes the argument.

4. Perusal of the case file would show that FIR was made by the sister of the petitioner that she was kept in captivity. Further publication in the paper is also filed, wherein news is published that sister was rescued and she was kept in captivity. Irrespective of the paper publication, the fact remains the FIR has been made for which the crime is registered. It is not a case that sister has not lodged the FIR, therefore, at the instance of the petitioner taking his version that false report is made, FIR can not be quashed and the police has all right and authority to investigate the crime.
5. The Hon'ble Supreme Court in case law reported in **(2013) 10 SCC 581, Vinod Raghuvanshi Vs. Ajay Arora & Others**, at para 30 has held as under:-

30. It is a settled legal proposition that while considering the case for quashing of the criminal proceedings the court should not “kill a stillborn child”, and appropriate prosecution should not be stifled unless there are compelling circumstances to do so. An investigation should not be shut out at the threshold if the allegations have some substance. When a prosecution at the initial stage is to be quashed, the test to be applied by the court is whether the uncontroverted allegations as made, prima facie establish the offence. At this stage neither can the court embark upon an enquiry, whether the allegations in the complaint are likely to be established by evidence nor should the court judge the probability, reliability or genuineness of the allegations made therein. More so, the charge-sheet filed or charges framed at the initial stage can be altered/amended or a charge can be added at the subsequent stage, after the evidence is adduced in view of the provisions of Section 216 Cr.P.C. So, the order passed even by the High Court or this Court is subject

to the order which would be passed by the trial court at a latter stage.”

6. In view of the above, I am not inclined to invoke the extra-ordinary jurisdiction of this Court vested in it under Section 482 of Cr.P.C. to quash the FIR at the threshold.
7. Accordingly, the petition fails and it is dismissed at the motion stage itself.
8. It is noted that the Court has not expressed any opinion while dismissing the petition.

Sd/-
(Goutam Bhaduri)
JUDGE

Balram