

NAFR

HIGH COURT OF CHHATTISGARH, BILASPUR**CRMP No. 698 of 2014**

Suman Unni, W/o. K.Unnikrishnan, Aged About 45 Years, R/o. Shop No 358, Zonal Market, Sector-10, P.S. Sector-6, Kotwali, Bhilai, Distt.-Durg, Civil & Revenue Distt.- Durg, C.G.

---- Petitioner**Versus**

1. S.K.Jain, S/o. Not Known, Aged About 56 Years, General Manager, Estate Department, Bhilai Steel Plant, R/o. Qr. No. 13-B, Street 20, Sector-10, Bhilai, Distt.-Durg, C.G.
2. Alok Jha, S/o. Not Known, Aged About 50 Years, DGM, Estate Department, Bhilai Steel Plant, R/o Qr. No. 31 ND, Surya Vihar, Bhilai, Distt.-Durg, C.G.
3. Vijay Kumar Sharma, S/o. Not Known, AGM, Estate Department, Bhilai Steel Plant, R/o. Qr. No. 69, 4-A, Maitri Nagar, Bhilai, Distt.-Durg, C.G.
4. D.K.Rai Chaudhary, S/o. Not Known, Aged About 48 Years, Estate Manager, Bhilai Steel Plant, R/o. Qr.No. B-17, Street No.12, Smriti Nagar, Bhilai, Distt.-Durg, C.G.
5. Rajulal Jain, S/o. Not Known, Aged About 50 Years, R/o. Qr. No.5A, Street No 34, Sector 10, Bhilai, Distt.-Durg, C.G.
6. State Of Chhattisgarh, Through: District Magistrate, Durg, C.G.

---- Respondents

For Petitioner	:	Mr. Awadh Tripathi, Advocate
For Respondent/State	:	Mr. Ramakant Pandey, Panel Lawyer.

Hon'ble Shri Justice Goutam Bhaduri**Order On Board****01/10/2015**

1. The petition is against the order dated 04.07.2014 passed by the First Additional Sessions Judge, Durg, in Criminal Revision No.136/2014, whereby the order passed by the Judicial Magistrate First Class, Durg, on 13.05.2014 was affirmed.
2. Briefly stated facts are that a shop was leased out in favour of the husband of the petitioner at Zonal Market, Sector-10, Bhilai. It was alleged that an

amount of Rs.50,000/- was asked by the officer, however, when the same amount was not paid, in absence of the petitioner, a case was registered before the Estate Officer, Bhilai Steel Plant and the petitioner was evicted.

3. Learned counsel for the petitioner vehemently argued that the said act of the respondents who act in connivance with each other amounted to criminality as without any judicial order by force the petitioner was evicted. He further submits that the case should have been registered under the different sections 451, 452, 383, 120-B, 338, 339 and 350 of IPC.
4. Perusal of the record would show that when the police report was called for by the police after recording of the statement of the complainant/petitioner, it was found that the case for eviction before the Estate Officer bearing No. 68/2013 was commenced and thereafter after giving the chance of hearing to the petitioner on 23.09.2013 an ejectment order was passed and pursuant thereto on 19.12.2013, the petitioner was evicted by taking aid of the police.
5. Admittedly, it would reveal that the eviction was made under the order of the Estate Officer of Bhilai Steel Plant. The petitioner, if at all was aggrieved, could have challenge such eviction order but instead of doing the same, the criminal complaint was filed. The eviction was made under the statute, therefore, when the eviction order is executed, it cannot be stated that the criminal act has been done by the respondents.
6. After considering the facts of this case and perusal of the document, this Court is not inclined to invoke the extra ordinary jurisdiction vested in it under Section 482 of Cr.P.C.
7. Consequently, the petition has no merit and is accordingly dismissed at the motion stage itself.

Sd/-
(Goutam Bhaduri)
JUDGE