

HIGH COURT OF CHHATTISGARH, BILASPUR

Cr.M.P. No. 818 of 2016

Ranvijay Singh S/o Shri Baikunth Singh Aged About 38 Years, R/o Flat No. A-306 Plat No. 8, Sector-6 Katyani- Apartment, Dwarika, Thana Dwarika New Delhi.

---- Petitioner

Versus

State Of Chhattisgarh Through Thana Incharge, Police Thana Katghora, District Korba Chhattisgarh.

---- Respondent

For petitioner–Shri Rajendra Kumar Patel, Advocate.
For Respondent/State – Shri U.K.S. Chandel, PL.

Hon'ble Shri Justice Goutam Bhaduri

Order

5/08/2016

1. Instant petition is for quashing of the charge sheet filed against the petitioner in connection with Crime No. 319/2013 for offence under Section 363, 366क, 370/34 of IPC.
2. Learned counsel for the petitioner submits that the charge sheet has been filed showing petitioner as absconding and therefore no offence is made out and entire proceeding against the petitioner be quashed.
3. Learned State counsel opposes the same and submits that in the year 2004 three minor girls were abducted from Khatghora, District Korba and their whereabouts were not known and subsequently one of the girl namely Jaimani Minj was found in the house of the petitioner.
4. Perusal of copy of the charge sheet which is placed by the petitioner would show that one Jaimani Minj was recovered from the house of the present petitioner. Perusal of the statement prima facie would show that Jaimani Minj was deployed in the house of the petitioner for entire house hold job and statement of Jaimani Minj would show that amount of salary was paid

to one Silbati instead to the Jaimani Minj.

5. Charge sheet has been filed showing the petitioner as absconding. Primary evidence would show that one of the girl was recovered from the residence of the petitioner. At this stage, the role played by the petitioner cannot be segregated. It is well settled principle that power under Section 482 of Cr.P.C. has to be exercised sparingly and cautiously to prevent abuse of process of any court and to secure ends of justice. After reading the statement it would not be proper for this court to give prima facie decision as facts do not compel. Taking the allegations and the complaint without adding or subtracting the fact that one of the girl was recovered from the possession of the petitioner, this fact cannot be ignored and role of the petitioner at this stage cannot be completely determined to be of innocence. The petitioner stood absconded which is unexplained and the charge sheet has been filed in his absence. Therefore, taking into totality of the case, I am not inclined to quash entire proceeding against the petitioner at the threshold. Petitioner, if so advised, may approach the trial court and may seek necessary remedy.

6. In view of the above, petition is dismissed at the threshold.

Sd/-
(Goutam Bhaduri)
JUDGE