

NAFR

HIGH COURT OF CHHATTISGARH, BILASPUR**CRIMINAL MISC. PETITION NO. 1088 OF 2016**

Chandrabhas Dubey, S/o Late Tribhuwan Dubey, aged about 35 years, R/o T.V. Tower Road, Chotte Attarmuda, Raigarh, P.S. Chakradhar Nagar, Raigarh, Tehsil & District Raigarh (C.G.)

... Petitioner**Versus**

State of Chhattisgarh, through District Magistrate Raigarh (C.G.)

... Respondent

For Petitioner	:	Mr. Pramod Verma, Senior Advocate, along with Mr. Sumit Verma, Advocate.
For Respondent	:	Mr. Ashok Swarnkar, Panel Lawyer.

Hon'ble Shri Justice P. Sam Koshy

Order on Board**17/10/2016**

1. The present petition under Section 482 of CrPC has been preferred by the Petitioner seeking for quashment of the prosecution of the Petitioner in Criminal Case No. 754 of 2014 pending before the Court of Chief Judicial Magistrate, Raigarh, whereby the Petitioner has been charged for the offence punishable under Sections 467, 468, 471 and 120-B of IPC, arising out of Crime No. 188 of 2014 registered at Police Station Chakradhar Nagar, Raigarh.

2. Learned Senior Counsel for the Petitioner submits that the case of the Petitioner who is an accused in the said criminal case is identical to one Romesh Kumar Sinha a co-accused in the same criminal case who had preferred Criminal Misc. Petition No. 259 of 2015 before this Court assailing the prosecution and this Court vide its order dated 2.9.2016 has ordered for quashment of the entire prosecution in the light of the compromise which has been arrived at between the complainants and the accused persons. According to the Petitioner, since the case of Romesh

Kumar Sinha is identically placed and the prosecution case against Romesh Kumar Sinha has been quashed by this Court vide order dated 2.9.2016 in Criminal Misc. Petition No. 259 of 2015, the case of the present Petitioner may also be placed on the same footing and the prosecution against him also deserves to be quashed.

3. Learned Counsel for the State on verification of the order dated 2.9.2016 passed in Criminal Misc. Petition No. 259 of 2015 in the case of Romesh Kumar Singh Vs. State of Chhattisgarh submits that the case of the present Petitioner also stands on the same footing and the case of the Petitioner is also identical to the facts of the case against Romesh Kumar Sinha.

4. In view of the fact that this Court already in the peculiar facts and circumstances of the case in the matter of Romesh Kumar Sinha Vs. State of Chhattisgarh has quashed the prosecution so far as the case of Romesh Kumar Sinha is concerned, the present Petitioner being identically placed his case would also squarely fall within the ambit of the order dated 2.9.2016 passed in Criminal Misc. Petition No. 259 of 2015 filed by Romesh Kumar Sinha.

5. Accordingly, the present Criminal Misc. Petition also deserves to be and is allowed. The criminal prosecution so far as the present Petitioner is concerned in Criminal Case No. 754 of 2014 pending before the Court of Chief Judicial Magistrate, Raigarh also stands quashed and he is discharged from the offence punishable under Sections 467, 468, 471 and 120-B of IPC, arising out of Crime No. 188 of 2014 registered at Police Station Chakradhar Nagar, Raigarh. No costs.

Sd/-

(P. Sam Koshy)
Judge