

NAFR

HIGH COURT OF CHHATTISGARH, BILASPUR**W.P. (Cr.) No. 102 of 2016**

Dev Narayan Nayak, son of late Mouji Nayak, aged about 73 years, R/o. 55/2, Nehru Nagar (East), P.S. Supela, District Durg (C.G.)

---- Petitioner**Versus**

1. State Of Chhattisgarh Through : The Station House Officer, Police Station, Supela, District Durg (C.G.)
2. K.M. Choubey, son of late R.C. Choubey, aged about 67 years, R/o. 4 Cross Street, Vidyavihar, Nehru Nagar, West, P.S. Supela, District Durg (C.G.)
3. Raj Bahadur Prasad, son of Prasadi Singh, aged about 67 years, R/o. 63/11, Nehru Nagar, West, P.S. Supela, District Durg (C.G.)
4. G. Pandey, son of late Goverdhan Pandey, aged about 68 years, R/o. Smriti Nagar, Street No. 24, House No.450, P.S. Supela, District Durg (C.G.)

---- Respondents

For Petitioner: Mr. Praveen Dhurandhar, Advocate.
For Respondent No.1/State: Mr. Arun Sao, Dy.Advocate General

Hon'ble Shri Justice Sanjay K. Agrawal**Order On Board****26/04/2016**

Heard.

(1) Instant writ petition has been filed for quashing of FIR dated 18.06.2013 and the charge sheet dated 21.07.2013 filed before the jurisdictional criminal court.

(2) Learned counsel for the petitioner submits that there is inordinate delay of 10 years in lodging the FIR and, as such FIR

and the charge sheet deserve to be quashed. He placed reliance upon the judgment of Supreme Court in the matter of **Kishan Singh (dead) through LRs Vs. Gurpal Singh & others** reported in **(2010) 8 SCC 775** in support of his case.

(3) Fact remains that after lodgement of the FIR and upon submission of charge sheet, trial Court has taken cognizance against the petitioner for the offence punishable under Section 420 of the Indian Penal Code and the charges have already been framed on 21.07.2013 and, the petitioner has not challenged the same and, as such, it has attained finality.

(4) After hearing learned counsel for the parties and after going through the material available on record, it cannot be held that taking entire material on record taken in its face value, no offence under Section 420 of the IPC is made out against the petitioner.

(5) Accordingly, the writ petition deserves to be and is hereby dismissed at the admission stage, without notice to other party.

Certified copy, as per rules.

Sd/-
(Sanjay K. Agrawal)
Judge

D/-