

NAFR

HIGH COURT OF CHHATTISGARH, BILASPUR**Cr.M.P No. 1204 of 2015**

Thanu Ram Anant S/o Dukalu Ram Anant Aged About 52 Years R/o Village Kuthroud, Thana Suhela, Tahsil : Simga, District Baloda Bazar Chhattisgarh
 Present Address : M/ 15, Dubey Colony Mova, District Raipur Chhattisgarh

---- Petitioner**Versus**

1. Pursottam S/o Devnarayan Anant Aged About 26 Years R/o Village Kuthroud, Thana Suhela, Tahsil : Simga, District Baloda Bazar Chhattisgarh
2. Hiradas S/o Devnarayan Anant Aged About 35 Years R/o Village Kuthroud, Thana Suhela, Tahsil : Simga, District Baloda Bazar Chhattisgarh
3. Remandas S/o Devnarayan Anant R/o Village Kuthroud, Thana Suhela, Tahsil : Simga, District Baloda Bazar Chhattisgarh
4. Tarandas Devnarayan Anant Aged About 37 Years R/o Village Kuthroud, Thana Suhela, Tahsil : Simga, District Baloda Bazar Chhattisgarh
5. Devnarayan Anant S/o Dukalu Ram Anant Aged About 67 Years R/o Village Kuthroud, Thana Suhela, Tahsil : Simga, District Baloda Bazar Chhattisgarh
6. Smt. Puna Bai W/o Devnarayan Anant Aged About 62 Years R/o Village Kuthroud, Thana Suhela, Tahsil : Simga, District Baloda Bazar Chhattisgarh
7. Ashok Dahre Advocate Address : Civil Court Simga, District : Baloda Bazar Chhattisgarh

-----Respondents

For Petitioner:	Shri Suresh Kumar Verma, Advocate.
For Respondents:	None.

Single Bench: **Hon'ble Shri P. Sam Koshy, J**
Order On Board

1.8.2016

1. The present Petition has been filed being aggrieved by the order dated 21.9.2015 passed by the Additional Sessions Judge, Bhatapara in Criminal Revision No.18/2013. Vide the said order, the Revisional Court has upheld the order dated 18.4.2013 passed by the JMFC, Simga in an unregistered complaint case.
2. The facts in nut-shell are that the present Petitioner has filed a

complaint case under Section 200 Cr.P.C for registering of an offence under Sections 420, 464, 464, 466 and 471 IPC against the Respondents. The case of the Petitioner is that earlier there was a case and counter case between the Petitioner and the Respondents and two cases were registered at P.S. Suhela. One is Criminal Case No.278/2009 and the other is Criminal Case No.279/2009 and in both the cases, the Complainant and the Respondents were opposite to each other as Complainant and accused.

3. Pending the two cases, it was alleged that the matter was compromised and in due course of time, both these cases were listed before the Lok Adalat held at the District Court on 28.6.2009 wherein Case No.279/2009 was settled and closed after the present Petitioner/Complainant had appeared before the Lok Adalat and agreed for the closing of the matter. However, so far as the other case i.e. Complaint Case No.279/2009 is concerned, in the absence of the Complainant before the Lok Adalat, the case could not be settled. Thus, from the two cases i.e. the case and the counter case between the parties, only one of them could be closed but the other was not closed on account of Complainant's absence. Thus, the act on the part of the Complainant is alleged to be an act of cheating and for which, the present complaint had been filed by the Petitioner/Complainant.

4. Considering the nature of averments made in the complaint case, the JMFC on 18.4.2013 found that no case is made out for registering of a case under Sections 420, 463, 464, 466 and 471 IPC and rejected the same.

5. The said order dated 18.4.2013 passed by the JMFC, Simga was put to challenge by way of a Revision i.e. Criminal Revision No.18/2013. The Revisional Court also affirming the judgment of the JMFC, dismissed the Revision Petition by the impugned order dated 21.9.2015 leading to the filing

of the present Cr.M.P.

6. After hearing Learned Counsel for the Petitioner and on perusal of the record, this Court is also of the opinion that from the averments made in the complaint, ingredients of cheating or for that matter fraud has been made out and that the two Courts below have not committed any illegality or infirmity while rejecting the same.

7. Accordingly, the instant Cr.M.P being devoid of merits, deserves to be and is accordingly rejected.

Sd/-

(P. Sam Koshy)

JUDGE