

NAFR

HIGH COURT OF CHHATTISGARH, BILASPUR**Cr.M.P No. 87 of 2015**

Rakesh Prasad S/o Shri B.D. Prasad Aged About 45 Years R/o B/103, Surya Apartments, Civil Lines, Manager, Times Of India Office At Raipur, Civil And Rev. Distt. Raipur C.G.

---- Petitioner**Versus**

1. Sheikh Sultan, S/o Shiekh Rahman Aged About 68 Years R/o Baijnath Para, Ps City Kotwali, Civil And Rev. Distt. Raipur C.G.
2. Smt. Mahmoda Begum W/o Sheikh Sultan Aged About 64 Years R/o Baijnath Para, Ps City Kotwali, Civil And Rev. Distt. Raipur C.G.

-----Respondents

For Petitioner:	Devarshi	Thakur,	Advocate.
For Respondents:	Shri GD Vaswani, Advocate.		

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

12.7.2016

1. The present Cr.M.P has been filed by the Petitioner seeking quashment of Criminal Complaint Case No.1152/2006 pending before the Judicial Magistrate, First Class, Raipur.
2. Facts in brief as presented by Learned Counsel for the Petitioner and which are not opposed too by Learned Counsel for the Respondents are that the present Petitioner is working as a Manager, Times of India Group, posted at Raipur.
3. According to the Petitioner, the Times of India Group had taken a property on rent from one Kavita Panjwani, who presented herself as a flat owner of the property situated at Pushpak Apartments, Opposite Government High School, Chotapara, Raipur. However, it appears that the builders of the said property had some dispute with the original landlord as also with the

purchasers of the flat for which some case was instituted against those persons. Meanwhile, the present Petitioner who was an employee of the Times of India Group, got transferred and came to Raipur and took possession of the office of Times of India at Raipur at the so called disputed site.

4. The present Petitioner makes a prayer that so far as he is concerned, he is nowhere connected with the dispute between the builders and the land owners as well as the purchasers of the flat either directly or indirectly except the fact that he happens to be an employee of the Times of India Group and has tenanted the property in one of the flats owned by Kavita Panjwani in one of the said disputed properties.

5. Learned Counsel for the Petitioner submits that so far as the present Petitioner is concerned, he was transferred to Raipur after the complaint case was lodged by the original Complainant and subsequent to his coming to Raipur, he was later on transferred to various other places in India and finally he has been transferred back in the year 2010 to Raipur and assumed his office and as such he is not related to the dispute whatsoever.

6. On perusal of the complaint case, it is reflected that there is no allegation specifically made against the present Petitioner in so far as the commission of the offence is concerned except for occupying the office for and on behalf of "The Times of India".

7. Learned Counsel for the Petitioner further submits that the present case is similar to one of the co-accused namely Rohit Verma, who has already been discharged from the offence vide order dated 5.7.2001 in M.Cr.C. No.6918/1999 wherein this Court, considering the nature of role played by Rohit Verma, had allowed the Petition under Section 482 Cr.P.C preferred by Rohit Verma and had ordered for quashment of proceedings registered

against him. Similar orders were also passed in the case of Ku. Malik Bano Lalani, DK. Dey and Rupendra Khera in M.Cr.C No.6469 of 1999 vide order dated 5.7.2001. He further submits that so far as the present Petitioner is concerned, there is no iota of evidence against him so far as the offence under Sections 420, 422, 423, 406, 408 and 448 IPC is concerned.

8. All these averments are not disputed by Learned Counsel appearing for the Respondents, who submits that pending the dispute before this Court, both the parties in the present petition have already entered into a compromise. Though they had moved an application for compounding the offence but, the same has been rejected by the Court below.

9. Taking into consideration the total facts and circumstances, more particularly, taking note of the fact that there is no specific allegation against the present Petitioner, this Court is of the opinion that the present Petition also deserves to be and is accordingly allowed. The proceedings initiated against the present Petitioner in Criminal Complaint Case No.1152/2006 pending before the JMFC, Raipur stand quashed.

10. It is made clear that the directions and observations made by this Court is concerned, it is confined to the case of the present Petitioner alone.

Sd/-
(P. Sam Koshy)
JUDGE