

NAFR

HIGH COURT OF CHHATTISGARH, BILASPUR**Cr.M.P. No. 499 of 2015**

1. Mukesh Kumar Rathor S/o Late Shri Balram Rathor, aged about 33 years, R/o Sector-4/669/A, Balco Nagar, Police Station Balco Nagar, Civil and Revenue District Korba, Chhattisgarh.
2. Smt. Rajkumari Rathori W/o Late Shri Balram Rathor, aged about 55 years, R/o Sector-4/669/A, Balco Nagar, Police Station Balco Nagar, Civil and Revenue District Korba, Chhattisgarh.
3. Kumari Nisha Rathor D/o Late Shri Balram Rathor, aged about 21 years, R/o Sector-4/669/A, Balco Nagar, Police Station Balco Nagar, Civil and Revenue District Korba, Chhattisgarh.

---- Petitioners**Versus**

1. State of Chhattisgarh through Station House Officer, Balco Nagar, Civil And Revenue District Korba, Chhattisgarh.
2. Smt. Nandani Rathor W/o Shri Mukesh Rathor, aged about 26 years, R/o C.S.E.B. Colony, Q. No. SF 587, O.P. Rampur Thana Kotwali, Civil and Rev. District Korba, Chhattisgarh.

---- Respondents

For Petitioners	:	Shri Ashutosh Shukla, Advocate
For State/R-1	:	Smt. M. Asha, Panel Lawyer
For Respondent no.2	:	Shri Sushobhit Singh, Advocate

Hon'ble Shri Justice P. Sam Koshy**Order On Board****27/09/2016**

The present petition under Section 482 CrPC has been filed seeking for quashment of the FIR registered in Crime No. 255/2014 at Police Station Balco Nagar and the subsequent proceedings initiated in Criminal Case no.1562/2014 for the offence under Section 498A, 34 of IPC against the petitioners.

2. Without entering into the merits of the case this Court intends to dispose of the present petition on the ground that subsequent to the filing of the present CrMP the Court below has framed charges against the petitioners for the offence under Section 498A, 34 of IPC and in due course

of time, the Trial Court has also examined a couple of prosecution witnesses and the documents which the petitioners intend to rely upon have also been exhibited as is reflected from the order sheet of the Court below.

3. Considering the fact that subsequent to the filing of the present petition much development has taken place in the trial Court and therefore it would not be proper at this juncture for this Court to exercise its discretionary jurisdiction under Section 482 CrPC to hold a mini trial or a roving inquiry based upon the documents filed by the petitioners to find out whether the charge levelled against the petitioners is made out or not. These are the facts which have to be thrashed out during the course of trial before the Trial Court only by way of leading evidence.

4. Thus, the present CrMP at this juncture being not sustainable, the same deserves to be and is accordingly dismissed.

5. However, it is made clear that the petitioners would be at liberty to take all other remedies available to them under the law.

Sd/-

(P Sam Koshy)
Judge