

HIGH COURT OF CHHATTISGARH, BILASPUR**CRMP No. 821 of 2016**

Premdas Koshle S/o Late Shyam Ratan Koshle Aged About 26 Years Working As Block Education Officer, At Simga, District Balodabazar Bhatapara Chhattisgarh R/o Rajiv Nagar, Ward No. 2 Kharora, P.S. Kharora, District Raipur.

---- Petitioner**Versus**

1. State of Chhattisgarh Through Police Station Arang District Raipur Chhattisgarh.
2. Ajay Kumar Verma In Charge Block Education Officer/Assistant Block Education Officer, Arang, District Raipur Chhattisgarh.

---- Respondents

For Petitioner	:	Shri R.K. Kesharwani, Advocate.
For Respondent/State	:	Shri Bhaskar Pyasi, Panel Lawyer.
For Respondent No.2	:	Shri B.L. Sahu, Advocate.

Hon'ble Shri Justice P. Sam Koshy**Order On Board****15/11/2016**

1. The present petition under Section 482 CrPC has been filed seeking for quashment of FIR dated 16.06.2014 in Crime No.195/2014 based on which Criminal Case No.14317/2015 has been lodged before the court of Chief Judicial Magistrate, Raipur.
2. The allegations against the petitioner as per prosecution case is that, the present petitioner in the capacity of the Block Education Officer was the Chairman of the Purchase Committee for the purchase of Computers to be distributed in different Schools in the year, 2010-11. On 12.06.2014 a complaint was lodged at Police Station, Arang, Distt. Raipur, at the behest of respondent No.2/Block Education Officer,

Arang, alleging that the computers which have been provided to them were of substandard quality and that they were not the original computers which were intended to be purchased by the department. Subsequently, an inquiry is said to have been conducted and in the course of inquiry it was revealed that the said computers were found to be bearing only the stickers of the brand of the name, but actually the computer systems supplied were not of the said company of which the sticker was applied. Thus, a case of cheating and fraud has been lodged against the present petitioner.

3. Counsel for the petitioner assailing the said lodging of the complaint submits that firstly the registration of FIR is bad in law for the reason that the complaint has been lodged at the behest of respondent No.2 with a mala fide intention because of the commercial rivalry with him. Secondly, the purchase was made in the year 2010-11 and till 2014 there has been no complaint whatsoever from any of the department/School where the said computers were supplied in respect of non performance/under performance of the computers, rather it has smoothly been working, and therefore, no offence as such could have been lodged against the petitioner. Thus, prayed for quashing of the FIR.
4. The State counsel however opposes the petition on the ground that prima facie there is material available on record to register an FIR against the petitioner. According to him, the petitioner was the Chairman of the purchase committee and that the cheques have been released to the authorities through his signature, and therefore, prima

facie there is some material available with the prosecution for registration of FIR. He further submits that so far as present petitioner is concerned, supplementary charge-sheet has been filed on 22.09.2015 and the government has taken appropriate steps for obtaining sanction against the petitioner under Section 197 CrPC. He further submits that at this stage, all that the court has to see is whether there are sufficient materials available before the court below for registration of complaint and which from the contention of the petition as well as the document enclosed along with the petition itself is evidently established. Thus, prayed for dismissal of the petition.

5. Having considered the rival contentions put forth on either side and on perusal of record, the undisputed facts of the instant case is that, the petitioner was the Chairman of the purchase committee and that during the course of investigation it was found that the computers which were purchased were bearing stickers of certain brand names but the said computers were not of the said brand of which the stickers were affixed on it. The rest of the facts are matters to be adjudicated upon after recording evidence. From the materials available in the case itself prima facie it appears that some role seems to have been played by the petitioner. Thus, this court has no hesitation in reaching to the conclusion that prima facie the ingredients that are required for registration of FIR is made out. All the other aspects which the petitioner intend to assail are his defence and which can only be looked into after the evidence on either side are adduced and which cannot be looked into at this stage.

6. This court while hearing a petition under Section 482 CrPC would not conduct a roving inquiry or a mini trial so as to reach to the conclusion as to whether the offence has been made out or not and whether the available materials could lead to the conviction of the petitioner or not. These are the facts which would be adjudicated upon at the relevant time after the evidences are recorded. Moreover, in the present case, the petitioner would also be at liberty to address the trial court at the time of framing of charge, if ultimately sanction is granted or obtained by the prosecution in this regard from the government.
7. For the foregoing reasons, this Court is of the opinion that it is not a fit case for interfering with the registration of FIR against the petitioner and the petition therefore, being devoid of merit is liable to be and is hereby dismissed.

Sd/-
(P. Sam Koshy)
Judge