

NAFR

HIGH COURT OF CHHATTISGARH, BILASPUR

CRMP No.161 of 2017

1. Anjan Lall S/o Late Shri Roosevelt Lall Aged About 43 Years R/o Magardaha Dafai, Ward No. 1, Police Station- Jhagrakhand, Civil & Revenue District - Korea, Chhattisgarh.
2. Sanjeewon Lall S/o Late Shri Roosevelt Lall Aged About 45 Years R/o Magardaha Dafai, Ward No. 1, Police Station- Jhagrakhand, Civil & Revenue District - Korea, Chhattisgarh.

---- Petitioners

Versus

State Of Chhattisgarh Through The Station House Officer, Police Station- Jhagrakhand, Civil & Revenue District Korea, Chhattisgarh.

---- Respondent

For Petitioners	:	Shri Sumit Shrivastava, Advocate
For State	:	Shri Satish Gupta, Govt. Advocate

S.B. Hon'ble Shri Justice Manindra Mohan Shrivastava

Order On Board

16/03/2017

1. This petition has been filed by the petitioners seeking quashment of the charge sheet on the submission that the allegation made against the petitioners are prima facie not made out. It is submitted that the petitioners had lodged a report against complainant- Madan, Chandan, Monu and Sonu, on which offence under Sections 452, 294, 506 and 323 read with Section 34 IPC was registered against them. It is submitted that only as a counter blast, a complainant in the present case lodged false and fabricated report against the petitioners making allegation of commission of offence under Sections 341, 294, 506, 323 read with Section 34 IPC.
2. The charge sheet which has been placed on record by the petitioners contains allegation of petitioners assaulting, abusing and also giving threat to the complainants- Madan and Monu. The charge sheet also contains the statements recorded under Section 161 Cr.P.C. of more than one person,

according to whom, the petitioners were involved in assault and threat as also abuse. Whether or not these allegations are true, it is a matter of appreciation during trial.

3. It is well settled legal position requiring no authority for the proposition that the power of this Court under Section 482 Cr.P.C. is to be exercised sparingly only when the Court is satisfied with the grounds of abuse of process of Law. Only on the ground that the petitioners have also lodged report against complainant party, that by itself, is not sufficient to dislodge and disbelieve the entire story of the prosecution against the petitioners. This may be a defence of the petitioners during the course of trial. However, if the allegations which are made against the petitioners, as contained in the FIR and the case diary statements, taken on their face value, if proved, may lead to their conviction.
4. Therefore, to my mind, the petition is misconceived in Law. The same is liable to be dismissed and is accordingly dismissed.

Sd/-
(Manindra Mohan Shrivastava)
Judge