

HIGH COURT OF CHHATTISGARH, BILASPUR

WPCR No. 101 of 2017

Leelesh Parakh S/o Late Jawahar Lal Parakh, Aged About 42 Years R/o Mahalaxmi Jewelers, Ganj Road, Navapara, Gobra Navapara, Raipur, Chhattisgarh.
---- **Petitioner**

Versus

State Of Chhattisgarh Through The Station House Officer, Police Station Gobra Navapara, Raipur Chhattisgarh.
---- **Respondent**

For Petitioner	:	Mr. Raza Ali, Advocate
For State	:	Mr. Chandresh Shrivastava, Panel Lawyer

Hon'ble Shri Justice Manindra Mohan Shrivastava

Order On Board

28/03/2017

Heard on admission.

1. This petition, under Article 226 of the Constitution of India, has been filed by the petitioner seeking quashment of the FIR against the petitioner.
2. Learned counsel for the petitioner submits that one Smt. Leela Verma lodged a report in the Police Station alleging that she was ravished and subjected to rape by the petitioner, on which, the police registered offence under Section 376 and 506 of IPC against the petitioner. During the pendency of investigation, affidavit has been filed by the said victim Smt. Leela Verma before the police station that she had lodged report in peculiar circumstances and in the heat of moment, though she never intended to lodge a report. Therefore, in these circumstances, the entire criminal proceeding may be quashed.
3. The police has already registered the offence against the petitioner. This petition, under Article 226 of the Constitution of India, has been preferred by the petitioner on the strength of affidavit said to have been filed before the police. The affidavit, itself, is a matter of investigation. It is for the police

to examine the veracity of the affidavit and conclude the investigation in accordance with law and submit a report before the competent Magistrate under Section 173 Cr.P.C. At this stage, this Court cannot go into the correctness and veracity of the affidavit to record a finding whether the petitioner is influencing the investigation, tampering with prosecution witnesses or it is an affidavit given voluntarily by the prosecutrix. Therefore, the petition is disposed off, at this stage.

Sd/-
(Manindra Mohan Shrivastava)

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