

NAFR

HIGH COURT OF CHHATTISGARH, BILASPUR

W.P.(CR). No. 248 of 2017

1. Ramesh Tiwari, S/o. Late Shri Prem N. Tiwari, Aged About 43 Years, Occupation -Journalist, R/o. Ward No. 17- Tilak Ward, Kharora Road, Tahsil & P.S.- Tilda-Neora, District - Raipur Chhattisgarh

---- Petitioners

Versus

1. State of Chhattisgarh, Through : It's Secretary, Home Department, Mantralaya, Mahanadi Bhavan, Naya Raipur Chhattisgarh
2. Hemshankar Deshlahra, Aged About 54 Years, R/o. Nagar Palika Parishad, Tilda (Posted as C.M.O. at Nagar Palika Parishad Tilda) Tahsil & P.S. Tilda Neora District -Raipur, Chhattisgarh
3. Police Station Tilda Neora, Through : It's Station House Officer, Tahsil Tilda District Raipur Chhattisgarh

-----Respondents

For Petitioners : Mr. Bhaskar Payashi, Advocate

For Respondent/State : Mr. Ashish Shukla, Govt. Advocate

Hon'ble Shri Justice Rajendra Chandra Singh Samant

Order On Board

28/07/2017

Heard.

1. It is submitted by the counsel for the petitioner that petitioner is a journalist, who was enquiring about the proposed construction of boundary wall of community hall in Tilda, whereas according to his knowledge there is no existence of any community hall, because of which respondent No.2 had a grudge against the petitioner and he lodged one FIR against the petitioner on 19.07.2016, alleging in it that respondent No.2 was assaulted, abused and threatened by the petitioner. On the basis of which, Crime No.205/2016 under Section 294, 323, 506/34 of Indian Penal Code has been registered against

the petitioners and others. Submission has been made with respect to the work, conduct etc. of respondent No.2 by petitioner's side and prayer has been made to quash the FIR against the petitioner.

2. Counsel for the respondent/State submitted that the grounds raised in the petition and the submission made by the petitioner are in relation to matter of defence. Section 482 of Cr.P.C. is not a provision to consider on defence. The matter is still under investigation, hence no case of petitioner is made out for admission.
3. Counsel for the petitioner has relied on the judgment passed by the Hon'ble Supreme Court in case of ***T.T. Antony Vs. State of Kerala and others***, reported in ***(2001) 6 Supreme Court Cases 181***, in which ***State of Haryana Vs. Bhajanlal***, reported in ***1992 SCC (Cri) 426*** has been relied on with respect to exercise of powers under Section 482 of Cr.P.C.
4. Perused the documents submitted and considered the submissions made by the parties.
5. Petitioner has material to place and establish that respondent No.2 had malice against him for these reason, he has been falsely implicated, but again this is not a stage, where the material relied upon by the petitioner can be considered. Hence at this stage, nothing is made out, that lodging of the FIR against the petitioner is abuse of process of law. Hence this petition is dismissed at admission stage itself.

Sd/-
(Rajendra Chandra Singh Samant)
Judge