

NAFR

HIGH COURT OF CHHATTISGARH, BILASPUR**WP227 No. 532 of 2017**

Manoj Kumar Choudhary S/o Shri Kharpattu Choudhary Aged About 33 Years R/o Purana Machhili Market, Supela, Bhilai, P.S. Supela, Tahsil And District- Durg, Chhattisgarh

---- **Petitioner****Versus**

1. Jeevanlal Sahu S/o Shri Kesho Sahu Aged About 41 Years R/o House No. 149 Near Shitala Mandir, Kurud Basti, Bhilai, P.S. Supela, Tahsil And District- Durg, Chhattisgarh
2. Anil Kumar Choubey S/o Late Lakhanlal Choubey Aged About 46 Years Partner Mers. Bhumi Colonizers And Developers, R/o Akta Chouk Kailash Nagar, Industrial Area, Kurud Bhilai, Tahsil And District Durg, Chhattisgarh
3. Ravishankar Sahu S/o Shri Punit Ram Sahu Aged About 39 Years Partner Mers. Bhumi Colonizers And Developers, R/o Akta Chouk Kailash Nagar, Industrial Area, Kurud Bhilai, Tahsil And District Durg, Chhattisgarh
4. State Of Chhattisgarh, Through Collector, Durg, Chhattisgarh

---- **Respondents**

For Petitioner	:	Shri Rajesh Jain
For Respondents	:	Shri Shashank Thakur, G.A

Hon'ble Shri Justice Sanjay K. Agrawal**Order On Board****03/08/17**

Heard.

The petitioner-plaintiff has filed an application before the 1st Additional District Judge, Durg stating that the subject agreement be enquired by Station House Officer of Police Station concerned through Police Superintendent as the subject agreement is forged and fabricated and, therefore, a criminal case be registered against the defendants. The said application has been rejected by the impugned order dated 13.07.2017 against which this petition has been filed.

2. Learned counsel for the petitioner submits that the trial Court has

committed illegality in rejecting the petitioner's application.

3. I have heard learned counsel for the petitioner.

4. The application as framed and filed for inquiring into the matter through jurisdictional police is nothing but a clear abuse of the proceedings of the Court. The petitioner/plaintiff is required to lead evidence in support of his case, to prove that agreement is a fabricated document and filing an application to get the agreement enquired through Station House Officer of the concerned Police Station is neither bonafide nor maintainable in law.

5. Learned trial Court is absolutely justified in dismissing the application and I do not find any jurisdictional error.

6. The writ petition deserves to be and is accordingly dismissed.

Sd/-
(Sanjay K. Agrawal)
Judge