

HIGH COURT OF CHHATTISGARH, BILASPUR**CRMP No. 1438 of 2016**

- Bhulauram Daharia S/o Puriram Daharia, Aged About 60 Years R/o Tilda Police Station Kasdol, District Balodabazar - Bhatapara Chhattisgarh

---- Petitioner**Versus**

1. State Of Chhattisgarh Through Station House Officer, Kasdol, Out Post Lawan, District Balodabazar - Bhatapara Chhattisgarh
2. Sushila Chouhan W/o Joidha Ram Chouhan Aged About 26 Years R/o Village Tilda, Police Station Kasdol, District- Baloda Bazar, Chhattisgarh

---- Respondents

For Petitioner : Smt. Renu Kochar, Advocate.

For Respondent/State : Shri Anil S. Pandey, Govt. Advocate.

Hon'ble Shri Justice Rajendra Chandra Singh Samant**Order On Board****06/09/2017**

Heard on admission.

1. It is submitted by counsel for petitioner that respondent No.2 has made a written complaint against the petitioner on 31.8.2016, stating therein that she is employed as Sahayika in Aanganbadi under Gram Panchayat, Tilda. It is alleged that petitioner and up-sarpanch Manakram Dondiya had some exchange of words with her, in which they used abusive words against her, for which she made a complaint in Police Chouki- Kasdol, Out post-Lawan. On account of complaint made by respondent No.2, the petitioner moved a proposal before the Panchayat to remove her from the post of Mitani. It was also alleged in the complaint that about a week prior to lodging of complaint, petitioner had made a gesture/use

of filthy language to insult her modesty. On the basis of this report, FIR has been registered against the petitioner for the offence under Sections 506-B and 509 of IPC and after completion of investigation, charge-sheet has been filed and accordingly the charges were framed and the matter is pending for recording of evidence.

2. It is submitted by learned counsel for the petitioner that the criminal prosecution against the petitioner is abuse of process of law, as petitioner had been instrumental in bringing the proposal to remove the respondent No.2 from her present place of posting, and thereafter order has been passed on 17.8.2016 by the office of Project Officer to relieve the respondent No.2 from her present post. Hence, consequent to this action taken against respondent No.2, she has filed a complaint against the petitioner out of revenge to persecute him. Therefore, the proceeding against the petitioner be quashed.
3. Learned counsel for State submits that after registration of FIR against the petitioner, the statements of witnesses were recorded and the investigation clearly makes out a case against petitioner for his trial under Sections 506-B and 509 of IPC. Whatever submissions are made on behalf of the petitioner are in fact the grounds of defence which can be raised before the trial Court. Thus, there is no substance in this petition and the same is liable to be dismissed.
4. Heard both the parties and perused the material on record.
5. Considering the substance of allegation against the petitioner and the material in the charge-sheet, this Court feels that although petitioner has a ground to raise in his defence that since he was instrumental in removing respondent No.2 i.e. complainant of the case, from her post, he has been falsely implicated in the offence in question, but this defence can be raised by the petitioner only before the trial Court at the appropriate stage and not before this Court, because this Court cannot enter into any kind of inquiry, as has been held by the Supreme Court in catena of decisions that while exercising the powers under Section 482 of CrPC the High Court cannot usurp the jurisdiction of the trial Court. It is also settled that the powers under Section 482 of CrPC cannot be used for stifling a legitimate criminal prosecution against any person.

6. For the foregoing reasons, this petition has no substance, the same is liable to be and is hereby dismissed at the motion stage itself.

Sd/-
(Rajendra Chandra Singh Samant)
JUDGE

Nisha