

HIGH COURT OF CHHATTISGARH, BILASPUR**Cr.M.P. No. 34 of 2017**

- Prateek Singh Burman S/o Jeevan Lal Burman, Aged About 19 Years R/o Flat No. 345, Shani Apartment, Maharana Pratap Chowk, Police Station Civil Line, Tahsil & District Bilaspur, Chhattisgarh.

---- Petitioner**Versus**

1. State Of Chhattisgarh Through The Station House Officer, Police Station Civil Line, Tahsil & District Bilaspur, Chhattisgarh.
2. Pritima Burman W/o Jeevan Lal Burman, Aged About 32 Years R/o Ward No. 12, Baloda, Police Station & Tahsil Baloda, District Janjgir Champa, Chhattisgarh.
3. Prithish Singh S/o Jeevan Lal Burman, Aged About 17 Years (Now Aged About 18 Years), R/o Ward No. 12, Baloda, Police Station & Tahsil Baloda, District Janjgir Champa, Chhattisgarh.
4. Vardan Shukla S/o Prakash Shukla, Aged About 19 Years R/o Baloda, At Present R/o Nehru Nagar, Police Station Civil Line, Tahsil & District Bilaspur, Chhattisgarh.

---- Respondents

For Petitioner
For State

Mr. M.K. Jaiswal, Advocate
Mr. Bhaskar Pyasi, Panel Lawyer

SB: Hon'ble Shri Justice P.Sam Koshy**Order On Board****10.01.2017**

1. The present Petition has been filed challenging the order dated 11.03.2016 passed in Criminal Revision No. 33/2016 by the Fourth Additional Sessions Judge, Bilaspur. By way of the impugned order the Revisional Court has rejected the Revision Petition preferred against the order dated 16.09.2015 passed by the Chief Judicial

Magistrate, Bilaspur in an unregistered complaint case whereby the Petitioner had sought for initiating Criminal Case against the Respondents No. 2, 3 and 4 for the offence under Sections 380 and 457 of the IPC.

2. Learned Counsel for the Petitioner submits the two Courts below have not properly appreciated the statement of the complainant recorded at the time of registration of complaint wherein he has given specific details in respect of the offence which is said to have occurred at this residence. He has also specifically named the accused persons. His statement also gets support from the statement of the Chowkidar of the said apartment whereby the Petitioner used to stay. Thus, prayed for setting aside of the 2 orders and for direction to the trial Court for registration of the said complaint.
3. However, perusal of the record clearly shows that there is a family dispute going on between the Petitioner and Respondents No. 2 & 3. Respondent No. 2 is the mother of the Petitioner and Respondent No.3 is the brother of the Petitioner. From the statement which have come on record it also reflects that there were large discrepancies in the statement of the Chowkidar who had tried to support the statement of the complainant. It is also reflected that there was no identification or proof available with the Chowkidar, so far as Respondent No.4 is concerned who has been implicated only on the averment that Respondent No.3 when had gone to the house of the Petitioner was accompanied by one of his friends.
4. The perusal of the impugned order would clearly reflect that the

Revisional Court has analysed in great details and have reached to the conclusion that the ingredients necessary for making out offence under Section 380 as well as 457 of the IPC were missing from the statement made by the Petitioner. In the absence of the necessary ingredients the Revisional Court had while rejecting the Revision Petition upheld the order of the Chief Judicial Magistrate.

5. This Court having gone through the two orders passed by the two Courts below does not find any illegality or infirmity in rejecting the said complaint. Neither has the Petitioner been able to provide any strong cause for interfering with the order of the two Court below.
6. Accordingly, the present Cr.M.P. being devoid of merits, the same stands dismissed.

**Sd/-
(P. Sam Koshy)
JUDGE**