

NAFR

HIGH COURT OF CHHATTISGARH, BILASPUR**Cr.M.P. No. 89 of 2017**

Sundermati Sahu D/o Sahdev Sahu Aged About 40 Years Caste- Teli,
R/o Village- Odekera, Tahsil- Pussore, District Raigarh, Chhattisgarh.

---- Petitioner**Versus**

1. State Of Chhattisgarh Through Station House Office, Police Station- Pussore, District Raigarh, Chhattisgarh.
2. Toshram Bhoy S/o Mukteshwar Bhoy Aged About 28 Years R/o Village Nawapara, Police Station Pussore, Tahsil Pussore, District Raigarh, Chhattisgarh.
3. Gangaram Kolta S/o Bhagatram, Aged About 35 Years R/o Village Machida, Police Station Pussore, Tahsil Pussore, District Raigarh, Chhattisgarh.
4. Nand Kishore S/o Girishankar Pradhan, Aged About 60 Years R/o Village Turanga, Police Station Pussore, Tahsil Pussore, District Raigarh, Chhattisgarh.
5. Hemsagar S/o Nato Pradhan, Aged About 55 Years R/o Village Turanga, Police Station Pussore, Tahsil Pussore, District Raigarh, Chhattisgarh.
6. Sadhram Rana S/o Bhagatram Rana, Aged About 35 Years R/o Village Bardoli, Police Station Pussore, Tahsil Pussore, District Raigarh, Chhattisgarh.
7. Smt. Duti Majhi Wd/o Late Jhadu Majhi, Aged About 65 Years R/o Village Changhori, Police Station Pussore, Tahsil Pussore, District Raigarh, Chhattisgarh.
8. Shobhit Ram @ Subit Ram S/o Narsingh Gupta Aged About 65 Years R/o Village Gotma, Police Station Pussore, Tahsil Pussore, District Raigarh, Chhattisgarh.
9. Kripa Ram S/o Jagatram Rana, Aged About 26 Years R/o Village Bardoli, Police Station Pussore, Tahsil Pussore, District Raigarh, Chhattisgarh.
10. Hrishikesh Bhoy S/o Late Lalo Bhoy Aged About 35 Years R/o Village Tinmini, Police Station Pussore, Tahsil Pussore, District Raigarh, Chhattisgarh.
11. Gadaram Manjhi S/o Jhadu Manjhi Aged About 40 Years R/o Village Changori, Police Station Pussore, Tahsil Pussore, District Raigarh, Chhattisgarh.

---- Respondents

For the Petitioner : Shri Awadh Tripathi, Advocate.
 For Respondent No.1/State : Shri Lav Sharma, Panel Lawyer.
 For Respondent No.2,3,6,8 to 10: Shri Amit Kumar Chaki, Advocate.

For Respondent No.7 : Shri Manoj Paranjpe, Advocate.

Hon'ble Shri Justice Rajendra Chandra Singh Samant

ORDER

29.08.2017

1. Heard.
2. This petition has been brought under Section 482 of the Code of Criminal Procedure with a prayer to quash the First Information Report registered against the petitioner in Crime No. 243 of 2015 in Police station Pussore, District Raigarh.
3. Learned counsel for the petitioner submits that an offence under Section 420 of the Indian Penal Code and Section 4 of the Chhattisgarh Samaj Ke Kamjor Vargon Ke Krishi Bhumi Dharakon Ka Udhar Dene Valon Ke Bhumi Hadapane Sambandhi Kuchakron Se Paritran Tatha Mukti Adhiniyam, 1976 (for short 'the Act') has been registered by the police in Police Station Pussore which does not disclose the petitioner as accused and her connection with the offence committed. Learned counsel further submits that the allegation in the FIR clearly discloses that the case relates to a contract for sale, hence, it is a case of civil nature.
4. Learned State counsel submits that the petition has been brought at a premature stage. The case is still under investigation, hence, there is no scope for exercise of inherent jurisdiction under Section 482 of the Code of Criminal Procedure in this case.
5. Perused the record.

6. Learned counsel for the private respondents submitted that in cases of loan transactions, the petitioner and other money lenders have forced the borrower to enter into an agreement for sale of the lands of their ownership with a condition, that if the borrower fails to repay the loan, the money lender shall become entitled to retain the subject matter of agreement land under his ownership. Hence, the petitioner and others are engaged in this fraudulent practice which needs to be investigated and there is no scope for interference under Section 482 of the Cr.P.C.

7. Learned counsel for the petitioner has placed reliance on the judgment of the Supreme Court in the case of **International Advanced Research Centre for Powder Metallurgy and New Materials (ARCI) and Others vs. Nimra Cerglass Technics Private Limited and Another**, reported in **(2016) 1 SCC 348**, in which it was observed that the factum of dishonest intention must be present from the very beginning when the contract was entered into between the parties.

8. Reliance has also been placed on the judgment of Supreme Court in the case of **State of M.P. vs. Surendra Kori** reported in **2013(1) J LJ 112**, **Indian Oil Corpn. vs. NEPC India Ltd. and Others** reported in **(2006) 6 SCC 736** in which the principle of exercise of jurisdiction under Section 482 of the Cr.P.C. has been reiterated.

9. On pursuing the documents on record, it appears that the FIR has been registered against one Jitendra Sahu and not against the petitioner. There is no other document submitted by the petitioner to show that he is arrayed as an accused in the crime registered by P.S. Pussore. Hence, for

these reasons, it is not a fit case and there is no reason to exercise inherent jurisdiction under Section 482 of the Cr.P.C. Accordingly,, this petition is dismissed at the motion stage.

Sd/-

(Rajendra Chandra Singh Samant)
Judge

Nimmi