

HIGH COURT OF CHHATTISGARH, BILASPUR**CRMP No. 108 of 2017**

- Santosh Dubey S/o Shri Lakhan Lal Dubey Aged About 32 Years R/o Bramhan Para Raipur, Tahsil & District Raipur, Chhattisgarh.

---- Petitioner**Versus**

- State Of Chhattisgarh Through Station House Officer, Police Station Amanaka Raipur, District Raipur, Chhattisgarh.

---- Respondent

For Petitioner : Shri Y.C. Sharma, Advocate.

For Respondent/State : Shri Vivek Singhal, Panel Lawyer.

Hon'ble Shri Justice Rajendra Chandra Singh Samant**Order On Board****18/09/2017**

Heard.

1. This petition has been brought under Section 482 of Cr.P.C. with a prayer to quash the criminal proceedings pending against the petitioner in the Court of Additional Sessions Judge, Raipur as S.T. No.192/2016.
2. It is submitted by learned counsel for the petitioner that petitioner has been falsely implicated in the case. Un-numbered FIR recorded on 19.6.1991 shows that name of the petitioner was added subsequently. Statement of Vibhuti Singh Thakur recorded under Section 161 of Cr.P.C. discloses that petitioner was the person, who intervened when the assault on the complainant was made by the co-accused. Similarly, statements of witnesses namely Surendra Singh Thakur, Arvind, Yogendra Sharma, Navin Sharma, Bali Ram and Virendra Kumar also do

not disclose the name of the petitioner as one of the assailants. Hence, continuation of criminal proceeding against the petitioner is abuse of process of law.

3. Learned counsel for the State has opposed the petition and submissions made in this respect. It is submitted that there is sufficient evidence against the petitioner for his prosecution. Statement of witness Sudhir Kumar shows that petitioner was one of the members of unlawful assembly, therefore, it cannot be said that prosecution against the petitioner is without any substance or it is abuse of process of law.
4. Heard both the parties and perused the material on record.
5. On perusal of the documents on record, it appears that some of the witnesses have not made any statements against the petitioner but one of the witness has clearly made a statement under Section 161 of Cr.P.C. This statement can be rebutted or disproved by the petitioner during the course of trial. This situation makes it clear that the case of petitioner is not extra-ordinary in nature, in which, the inherent jurisdiction can be exercised.
6. Accordingly, this petition is dismissed at the motion stage itself.

Sd/-
(**Rajendra Chandra Singh Samant**)
JUDGE