

HIGH COURT OF CHHATTISGARH, BILASPUR**CRMP No. 114 of 2017**

Smt. Premlata Agrawal W/o Omprakash Agrawal Aged About 58 Years
By Caste- Agrawal, R/o Hardibazaar, Police Chowki- Hardibazaar,
District Korba, Chhattisgarh.

---- **Petitioner**

Versus

1. Nishta Goyal W/o Parul Agrawal Aged About 25 Years
2. Raghav Goyal S/o M.L. Goyal Aged About 40 Years
3. Anita Goyal W/o Raghav Goyal Aged About 39 Years
4. Shraddha Goyal D/o Raghav Goyal Aged About 22 Years
5. M.L. Goyal, Aged About 70 Years

All are by Caste- Agrawal, R/o M.I.G.- 373, Padmanabhpur, Durg, District
Durg, Chhattisgarh.

---- **Respondents**

For Applicant : Shri Vivek Tripathi, Advocate.

Hon'ble Shri Justice P. Sam Koshy

Order On Board

03/02/2017

1. The present petition under Section 482 CrPC has been filed seeking for registration of complaint case which was filed by the petitioner before the Judicial Magistrate First Class, Pali (in short, JMFC) and which has been rejected by the JMFC vide order dated 12.07.2016. Revision against the said order was also rejected by the Additional Sessions Judge, Katghora on 05.12.2016.
2. According to the petitioner, on 18.08.2015 when the petitioner was at her home along with her daughter in law i.e. respondent No.1, the respondents No.2 to 5 came to their home, forcibly took the respondent No.1 to their home and in the course have also assaulted the petitioner resulting in some injuries. In addition, the respondents No.2 to 5 have

also taken some articles including gold ornaments worth Rs.3 Lakhs from her house. Initially complaint was lodged before the police authorities who had not taken any action and thereafter complaint was filed before the JMFC, Pali. The Magistrate, after due consideration of the contents of the complaint and the deposition which has been made by the complainant, found that there was no cogent and sufficient evidence which has been adduced by the complainant with which the cognizance of the incident could have been taken as there are material contradiction and omissions in the statement as compared to the complaint which was being made. Accordingly, vide order dated 12.07.2016 the complaint case was rejected.

3. Against the said rejection of complaint case, revision was preferred before the Additional Sessions Judge, Katghora which was registered as Criminal Revision No.63/2016. The revisional court also after due consideration, taking in to consideration the document and the evidence which have come on record held that the entire complaint case seems to be a counter attack to the 498-A proceeding initiated at the behest of the respondent No.1 against the present petitioner and thus, rejected the revision vide order dated 05.12.2016. It is these two orders which are under challenge by way of this present petition.
4. Learned counsel appearing for the petitioner assailing the two orders submits that both the courts below have committed an error in not appreciating the fact that incident which the petitioner intends for taking cognizance was prior to lodging of the complaint under Section 498-A IPC by the respondent No.1. He further submits that complaint was filed promptly but the police authorities did not take any action and it is for

this reason that subsequently she had to file a complaint case before the JMFC, Pali.

5. However, from perusal of records the fact that there was prior lodging of FIR in respect of incident dated 18.05.2015 is not established as there is no proof or endorsement in this regard from any of the document. Further, it also does not reflect as to why the complaint was not promptly lodged before the JMFC and which has now been initiated after lodging of complaint by the respondent No.1 under Section 498-A IPC.
6. If keeping in mind the above facts the two courts below have rejected the complaint as well as revision petition, it cannot be said that the courts below have committed any illegality or infirmity calling for the interference of this court.
7. Accordingly, the petition being devoid of merit is liable to be and is hereby dismissed.

Sd/-

(P.Sam Koshy)

Judge