

NAFR

HIGH COURT OF CHHATTISGARH, BILASPUR**Cr.M.P. No. 423 of 2017**

Tarun Kaushik S/o Shri Bisahu Ram Kaushik Aged About 30 Years R/o Arya Colony Post Tifra, District- Bilaspur, Chhattisgarh.

---- **Petitioner****Versus**

1. State Of Chhattisgarh Through Police Station- Sirgitti, District- Bilaspur, Chhattisgarh.
2. Smt. Anjana Seth W/o Shri Chintamani Seth R/o Heera Nagar Primary School, Assistant Teacher, Sirgitti, Bilaspur, Chhattisgarh.

---- **Respondents**

For the Petitioner : Shri R.K. Jaiswal, Advocate.
For the Respondent/ State : Shri Ashish Shukla, G.A.

Hon'ble Shri Justice Rajendra Chandra Singh Samant**ORDER****22.09.2017**

1. Heard on admission.
2. Admit.
3. 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 for the offences under Sections 448, 354, 506B and 353 of the Indian Penal Code.
4. Learned counsel for the petitioner submits that after completion of investigation, the charge-sheet has been filed against the petitioner and the charges have also been framed. The ground raised in this petition is that the case rests only on the evidence of complainant – Smt. Anjana Seth and no other witness of the prosecution has supported her statement.

5. Learned State counsel has opposed the submissions made and the grounds raised in this petition.

6. Heard counsel for both the parties and perused the documents on record.

7. As per the documents of the charge-sheet, from the statement of some witnesses have stated against the petitioner. The petitioner has placed reliance on the report submitted by the Block Development Officer, who has enquired and reported that there is no witness to the incident of outraging the modesty of the complainant. This document is not a part of the charge-sheet, hence, the petitioner has an option and liberty to use this document for defence.

8. The statement of the complainant in the case against the petitioner can be appreciated and thereafter, the Court may believe or disbelieve her statement and this has to be done by the trial Court. The appreciation of the evidence cannot be done by this Court under the inherent jurisdiction. Hence, this petition has no merit and it is dismissed at the motion stage.

Sd/-

(Rajendra Chandra Singh Samant)
Judge