

HIGH COURT OF CHHATTISGARH, BILASPUR

CR.M.P. No. 532 of 2017

Dr. Chanchala Banjara, D/o. Bhagwatiya Banjara, Aged About 30 Years,
Address Government Quarter, Behind Community Health Centre Antagarh,
Police Station- Antagarh, District North Bastar Kanker Chhattisgarh

---- Petitioner

Versus

1. State Of Chhattisgarh, Through : The Station House Officer, Police Station - Antagarh, District - North Bastar Kanker, Chhattisgarh
2. Smt. Sarita Rajput, W/o. Veer Bahadur Rajput, Aged About 28 Years, R/o. Ward No., 11 Rest House Road, Antagarh, District North Bastar Kanker Chhattisgarh

-----Respondents

For Petitioner	: Mr. D.N. Prajapati, Advocate
For Respondent No.1/State	: Mr. Anil S.Pandey, Govt. Advocate
For Respondent No.2	: Mr. Parag Kotecha, Advocate

Hon'ble Shri Justice Rajendra Chandra Singh Samant

Order On Board

30/08/2017

Heard.

1. It is submitted by the learned counsel for the petitioner that petitioner and Veer Bhadur Singh, the husband of respondent No.2 had love affair and a daughter namely Ahana was born to them. Veer Bahadur Singh has transferred some land in favour of the daughter that was born to the petitioner. When Veer Bahadur Singh refused to marry the petitioner, she lodged an FIR against him on the basis of which, offence under Section 376 of I.P.C. has been registered and Veer Bahadur Singh has been arrested and sent to jail. Consequent to that,

the land transferred by Veer Bahadur Singh was to be demarcated by the order of Tahsildar dated 26.02.2017. On 27.02.2017, the revenue officer arrived on spot of the demarcation, where it is alleged that incident took place in which the petitioner has abused threatened and tress-passed the place of residence of the complainant, respondent No.2. FIR was lodged on the written complaint made by respondent No.2 on 28.02.2017. Hence this petition.

2. It is submitted by the counsel for the petitioner that the petitioner has lodged FIR against the husband of respondent No.2, consequent to which he is in jail. She was pressurized by the respondent No.2 and others to withdraw the complaint against the Veer Bahadur Singh and subsequent to that, this false report has been lodged against her. Hence prayed that criminal proceedings against the petitioner be quashed.
3. Counsel for the State submits that respondent No.2 has lodged FIR and give statement under Section 161 of Cr.P.C. Similar statements have been given by the other witnesses as well. Hence, it is not a stage, where the statement of the complainant and witnesses should be disbelieved and the proceedings against the petitioner be quashed.
4. Counsel for the respondent No.2 submits that no document has been filed by the petitioner with respect to the FIR lodged against the husband of respondent No.2 and the FIR lodged against the petitioner is not false but it is based on true facts of the incident.
5. I have heard the learned counsel for the parties and perused all the documents placed on record.

6. Considering the submission made and the documents presented on record, it appears that the grounds raised in this petition and the submission made are at the most grounds of defence, which can be raised by the petitioner while facing the trial. It is well settled that the inherent jurisdiction under Section 482 of Cr.P.C. can not be exercised to stifle legitimate criminal proceedings and this Court can not usurp the powers of trial Court as held in case of ***Janata Dal Vs. H.S. Choudhary and Others*** reported in ***(1992) 4 SCC 305***, ***State of U.P. Vs. Awadh Kishore***, reported in ***AIR 2004 SC 517*** and ***State of Bihar Vs. Murad Ali Khan & Others***, reported in ***AIR 1989 SC 1***. Hence in the case in hand whatever is alleged and stated against the petitioner by the complainant and the witnesses of the case has to be rebutted and dispute in the trial by the petitioner by raising appropriate defence as advised by her counsel. Hence for this reason, no extra ordinary case is made out for exercise of inherent jurisdiction under Section 482 of Cr.P.C. Accordingly, this petition is dismissed at the motion stage itself.

Sd/-
(Rajendra Chandra Singh Samant)
Judge

Balram