

HIGH COURT OF CHHATTISGARH, BILASPUR

CRMP No. 624 of 2016

1. Ashish Sondhi, S/o. Late Shri R.C.Sondhi, Aged About 42 Years, R/o. 24 East Old Nehru Nagar Durg, District Durg (C.G.).
2. Alok Sondhi, S/o. Shri Naresh Chandra Sondhi, Aged About 35 Years, R/o. H.I.G.-27 Padmnabhpur Durg, District Durg, (C.G.).
3. Arun Sondhi, S/o. Late Shri R.C. Sondhi, Aged About 42 Years, R/o. At Present- Modal Town Nehru Nagar Bhilai, District Durg (C.G.).

---- Petitioners

Versus

1. Luxman Sondhi @ Shetti, S/o. Shri Avinash Chandra Sondhi, Aged About 38 Years, R/o. Church Road In Front Of Manas Bhawan, Civil Line Road Durg, Tahsil & District Durg (C.G.).
2. State Of Chhattisgarh, Through Station House Officer, Police Station- Mohan Nagar, Durg, District Durg (C.G.).

---- Respondents

For Petitioners	:	Mr. J.N.Nande, Advocate
For Respondent No.1	:	Mr. N.K.Malviya, Advocate
For Respondent No.2	:	Mr. Neeraj Sharma, Dy. Govt. Advocate

Hon'ble Shri Justice Goutam Bhaduri

Order On Board

02.11.2017

1. Learned counsel for the petitioner submits that the order passed by the learned Court below is completely illegal, which needs interference by this Court in exercise of power under Section 482 of Cr.P.C.
2. Learned counsel for the respondent No.1 would submit that the petitioners had in-fact on the false averments had obtained the benefit of insurance whereas they had maintained the stand that insurance on the ground of motor accident whereas in respect of the same incident FIR was lodged that they were assaulted by the respondent No.1. With such allegations, a complaint was filed by the respondent No.1 before the Judicial Magistrate wherein an enquiry was directed under Section 156(3) of Cr.P.C. It is

contended that such direction of enquiry was subject of challenge before this Court. It is submitted that in view of the law laid down in case of ***HDFC Securities Ltd. & Others v. State of Maharashtra & Another*** reported in ***AIR 2017 SC 61***, such application to quash such direction of enquiry is premature, therefore, the petition is not tenable.

3. Perusal of the record would show that the petitioners have approached the High Court even before the stage of issuance of process. The order of the Magistrate which is under challenge dated 04.02.2016 would show that on a complaint having been filed on the ground that the petitioners have obtained the false medi-claim, the Chief Judicial Magistrate has ordered for requiring investigation by the police under Section 156(3) of Cr.P.C. The order sheet would show that during such intervening period the present petition is filed.
4. The Supreme Court in case of ***HDFC Securities Ltd.*** (supra) has laid down that when the order has been passed requiring investigation by the police under Section 156(3) of Cr.P.C., it cannot be said to have caused an injury of irreparable nature which requires quashing of the investigation. It was further held that the stage of cognizance would arise only after the investigation report is filed before the Magistrate. Consequently, it cannot be said to have caused any irreparable injury of nature which warrants interference to invoke the power under Section 482 of Cr.P.C. it being premature.
5. The petition, therefore, is devoid of any merits and is hereby dismissed.

Sd/-
(Goutam Bhaduri)
Judge