

HIGH COURT OF CHHATTISGARH, BILASPUR**Judgment reserved on: 25/08/2017****Judgment delivered on: 18/09/2017****CRMP No. 748 of 2016**

- Om Prakash Verma S/o Late Shri Manbodh Verma Aged About 57 Years R/o F-85, Minabazar, Kududand, P.S. - Civil Line, Tehsil - Bilaspur, Rev. And Civil Distt. Bilaspur Chhattisgarh.

---- Petitioner**Versus**

1. State Of Chhattisgarh Through Secretary, Department Of Home Affairs/ Revenue, Mahanadi Bhawan, Naya Raipur, Rev. And Civil District Raipur Chhattisgarh.
2. Superintendent Of Police Economic Offence Wing, Raipur, Rev. And Civil Distt. Raipur Chhattisgarh.
3. Investigating Officer Economic Offence Wing, Raipur, Revenue & Civil Distt. Raipur Chhattisgarh.
4. Collector Durg Rev. And Civil District Durg Chhattisgarh.

---- Respondents

For Petitioner : Shri Surfaraj Khan, Advocate.

For Respondents/State : Shri Ashish Shukla, Govt. Advocate.

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

Heard.

1. This petition has been brought under Section 482 of Cr.P.C. with a prayer to quash the proceeding initiated against the petitioner by FIR No.13/2006 for offence under Sections 7, 13 (1) (d) and 13(2) of the Prevention of Corruption Act, 1988 (for short 'the Act, 1988') read with

Section 120-B of the Indian Penal Code.

2. The facts of the case are these that on the relevant dates the petitioner was posted as Tahsildar, Saja, District-Durg. Co-accused persons had in the name of M/s Pochhi Farms Private Ltd. purchased various land from different farmers of the area without registration of any sale-deed and only on the basis of power of attorney, obtained possession of the said lands. On the basis of such purchase of lands and possession through power of attorney, the co-accused person had no right to pray for recording of their possession in the revenue records. Petitioner by misuse of legal process, illegally and arbitrarily passed the order for recording the possession of the lands in the revenue records without there being any registration of sale-deed and thus, caused loss to the State Exchequer to the tune of Rs. 1,32,6,180/- towards stamp duty and registration fee etc. On this basis of FIR was lodged against the petitioner under Section 13 (1) (d) read with Section 13(2) of the Act, 1988 and Section 120-B of IPC.
3. The case has been investigated and charge-sheet has been filed before the Court of Special Judge, Bemetara.
4. It is submitted by counsel for the petitioner that petitioner has acted in official capacity and even if he has passed any erroneous or illegal order, the person aggrieved had the remedy available to them to file appeal with prayer to set aside the order. Reliance has been placed on the judgment passed by M.P. Revenue Board in ***Kunthi Bai (Smt.) & Others Vs. Gwalior Agriculture Co., Dabra*** in 1995 RN 366 and also on the judgment passed by M.P. High Court in ***State of M.P. Vs. Rajeev Jam*** in 2001 4 MPHT 58.

5. Learned counsel for the respondents has opposed the grounds raised in the submissions made on behalf of the petitioner and submitted that petition is not maintainable. It is evident from the contents of the petition itself that this petition was brought with prayer to quash the FIR lodged against the petitioner. However, during the pendency of this petition charge-sheet has already been filed and this can be seen from the documents filed by the petitioner himself.
6. On perusal of all the documents in the charge-sheet, which prosecution intends to rely for prosecution of the petitioner, without commenting on the substance of the case against petitioner, it appears that petitioner has the option and remedy available to pray before the trial Court for discharge and on failing to obtain an order of discharge, he shall be at liberty to move this Court by way of bringing a revision petition against that order. Hence, it is not a case which can be said to be an exceptional case warranting interference in exercise of extraordinary inherent jurisdiction of this Court.
7. Accordingly, the petition is dismissed.

Sd/-
(Rajendra Chandra Singh Samant)
JUDGE