

**HIGH COURT OF CHHATTISGARH, BILASPUR****Judgment reserved on: 25/08/2017****Judgment delivered on:18/09/2017****CRMP No. 811 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, Revenue & Civil District Bilaspur, Chhattisgarh.

• ---- **Petitioner**• **Versus**

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

---- **Respondents**


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For Petitioner : Shri Surfaraj Khan, Advocate.

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

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

Heard.

1. This petition under Section 482 of Cr.P.C. has been brought with a prayer to quash the FIR NO.17/2006 registered against the petitioner in offence 13(1)e and 13(2) of Indian Penal Code (for short 'IPC').

2. Fact of the case are these that on 7.4.2006 a raid was conducted by the Economic Offences Wing, Raipur at the house of the petitioner and after preparing the inventory of articles found in possession of the petitioner, FIR No.17 of 2006 was registered against the petitioner and the case is under investigation.
3. It is submitted by counsel for petitioner that he has explanation for each and every articles found in his possession that same were acquired legally from lawful source of income. Every acquisition was informed to the department and the same has been entered in the record accordingly. It is submitted that petitioner is being victimized and no offence is made out under any of the sections of the Prevention of Corruption Act,1988. Hence, the petitioner prayed that the petition be allowed.
4. Learned counsel for respondents submits that the case is under investigation. The investigation is being conducted fairly and impartially and in case it is found that petitioner is innocent then he shall be relieved by the investigating agency itself. It is submitted that there is not a single circumstance in this petition showing that the petitioner's case comes within the ambit of extra-ordinary or exceptional case for exercise of inherent jurisdiction. Hence, prayed that petition be dismissed.
5. Heard both the parties and perused the material on record.
6. Section 482 of Cr.P.C. provides that exercise of inherent power is available to the High Court to give effect to any order under the Cr.P.C. or to prevent abuse of the process of any court or otherwise to secure the ends of justice. It has been held in ***R.P. Kapur Vs. The State of Punjab***, reported in **AIR 1960 SC 866** and various other judgments that

even though the inherent jurisdiction of the High Court under Section 482 of Cr.P.C. is very vast, but it has to be exercised sparingly, carefully and with the precaution as laid down in the Section itself.

7. Present is a case in which the investigation is under way for the offence of holding disproportionate assets. The explanation aforesaid by petitioner before this Court shall be of use when offered before the investigation agency when such explanation is called for by the Investigating Officer of the case, hence, in this situation and the circumstances, no exception case is made out with respect to the petitioner, hence, it is found without substance which is dismissed accordingly.

Sd/-  
**(Rajendra Chandra Singh Samant)**  
JUDGE