

HIGH COURT OF CHHATTISGARH, BILASPUR

CRMP No. 1076 of 2017

Kailash Chouhan S/o Indrajeet Chouhan, Aged About 35 Years R/o
Sitamani Korba, Tahsil & Civil And Revenue District Korba
Chhattisgarh.

--- **Petitioner**

Versus

1. State of Chhattisgarh Through Secretary, Home Department,
Mantralaya, Mahanadi Bhawan, Capital Complex, Naya Raipur,
District Raipur Chhattisgarh.
2. Director General of Police, State Of Chhattisgarh, Raipur, District
Raipur Chhattisgarh.
3. Superintendent of Police, Janjgir, District Janjgir Champa
Chhattisgarh.
4. Station House officer, Police Station Champa, District Janjgir Champa
Chhattisgarh.
5. Umendram Chouhan S/o Late Shri Dhaniram Chouhan, Aged About
48 Years R/o Thana Para Champa, Police Station Champa, District
Janjgir Champa Chhattisgarh.
6. Tauhid S/o Anwar Beg, Aged About 30 Years R/o Thana Para
Champa, Police Station Champa, District Janjgir Champa
Chhattisgarh.
7. Firat Ram Chouhan Aged About 60 Years R/o Sector - 5, Balco
(Korba), Police Station - Balock, District Korba Chhattisgarh. ---

Respondents

For the applicant	:	Mr. Tarun Dansena, Advocate
For the State	:	Mr. Neeraj Sharma, Dy. Govt. Adv.

Hon'ble Shri Justice Goutam Bhaduri

Order on Board

06.11.2017

1. This instant petition is against the order dated 10.01.2017. A
perusal of the order dated 10.01.2017 shows that a
complaint was filed by the petitioner for the offence u/s 457,
380, 427, 341 and 34-B of IPC stating that the non-applicants
have forcibly entered into the land of petitioner and caused
damage. The said order would reflect that after the
complaint was filed, the investigation report was called for by

the JMFC wherein it was found that the dispute took place between the petitioner and the non-applicants in respect of a Nazul land and the goods i.e., iron rod, tin etc., which were alleged to be stolen and damaged were found and kept at the spot. Therefore, it was held that in absence of any primary evidence, the complaint cannot be registered and the case was fixed for recording the statement of complainant u/s 200 of the Code of Criminal Procedure. In the meanwhile, the said order was subjected to challenge before this Court.

2. Reading of the order of the court below would show that the order has been passed after due application of mind and the court after going through the initial record and the enquiry report submitted by the police found that no offence is made out and kept it open for the petitioner to lead evidence. Consequently, no prejudice is caused to the petitioner and he can very well adduce his evidence before the Court and the JMFC if so satisfied may further ask for any enquiry. It cannot be at the whims of the petitioner that repeated enquiry has to be made unless and until the circumstances and facts warrant. Therefore, the Court is of the opinion that no ground exists to invoke the jurisdiction u/s 482 Cr.P.C., warranting interference in this revision petition.
3. Consequently, the petition has no merit and is dismissed.

**Sd/-
GOUTAM BHADURI
JUDGE**