

NAFR

HIGH COURT OF CHHATTISGARH, BILASPUR**Cr.M.P. No. 1092 of 2016****Order Reserved on 11.10.2017****Order Delivered on 25.10.2017**

Surjit Singh S/o S.Teja Singh Aged About 68 Years R/o 172, Baba Budaji Nagar Tekanaka, Nagpur, Maharashtra.

---- Petitioner**Versus**

State Of Chhattisgarh Through Police Station Churia, District Rajnandgaon, Chhattisgarh.

---- Respondent

For the Petitioner : Shri H.S. Ahluwalia, Advocate.
For the Respondent/ State : Shri Anil S. Pandey, G.A.

Hon'ble Shri Justice Rajendra Chandra Singh Samant**CAV ORDER**

1. Heard.
2. This petition has been brought by the petitioner under Section 482 of the Code of Criminal Procedure praying for quashment of criminal proceedings against him.
3. It is submitted by counsel for the petitioner that the petitioner has been falsely implicated in the criminal case executed in Crime No. 223 of 2007 by the police outpost Chhuria, Dongargarh, District Rajnandgaon pending before the Court of Judicial Magistrate First Class, Rajnandgaon.
4. It is submitted by counsel for the petitioner that Truck bearing registration No. C.G.04-ZC 3835 was seized from the driver of the vehicle in connection with offences under Sections 4, 6, 7/ 11 of the Chhattisgarh

Krishik Pashu Parirakshan Adhiniyam (for short 'the Adhiniyam') and Section 66/ 192 of the Motor Vehicles Act (for short 'the Act'). After completion of the investigation, charge-sheet has been filed for the offences under Sections 4, 6, 7/ 11 of the Adhiniyam and Section 66/ 192 of the Act. It is submitted by counsel for the petitioner that the petitioner was the owner of the said truck but the same was transferred to one Abdul Qadir, resident of Amravati on 3.3.2006 by a sale deed and the copy of which is produced as Annexure – A/3. The copy of R.T.O. registration obtained from R.T.O., Amravati discloses the name of Abdul Qadir as transferee owner and also discloses a receipt of NOC from R.T.O. Raipur where the vehicle was previously registered in the name of the petitioner. Hence, under these circumstances, the petitioner had no connection with the said truck and initiation of the criminal proceedings against him is clear abuse of process of law.

5. Learned State counsel opposes the submissions and the grounds made in this petition. It is submitted that the police has investigated and found the involvement of the petitioner in this case, hence, the petition be dismissed.

6. Heard counsel for both the parties and perused the documents on record.

7. The vehicle and the registration papers etc were seized from one Ashlam Beg. A copy of the order of the Judicial Magistrate First Class, Dongargarh, District Rajnandgaon shows that the vehicle was given on interim custody to registered owner Abdul Qadir. Apart from that, the

certified copy of the registration from the RTO, Amravati also discloses that the registered owner of the vehicle is Abdul Qadir.

8. Under the aforesaid circumstances, there being no *iota* of evidence against the petitioner, he is prosecuted for the offences concerned only for the reason that at one point of time he had been the owner of the seized vehicle which is totally unjustified and uncalled for. Hence, for these reasons, this petition deserves to be allowed and it is allowed.

9. The criminal proceedings pending against the petitioner before the Court of JMFC, Dongargarh, initiated on the basis of Crime No. 223 of 2007 of P.S. Chhuria, District Rajnandgaon so far as, it relates to the petitioner alone is quashed.

10. In view of above, this petition stands disposed off.

Sd/-

(Rajendra Chandra Singh Samant)
Judge