

HIGH COURT OF CHHATTISGARH, BILASPUR

CRMP No. 1128 of 2017

1. Ram Bahoran Jaiswal S/o Lulai Jaiswal, Aged About 72 Years,
2. Ravikant, S/o Rambahoran Jaiswal, Aged About 41 Years,
3. Hemkant S/o Rambahoran Jaiswal, Aged About 46 Years,
4. Pakla @ Nitesh S/o Krashan Kumar Jaiswal, Aged About 18 Years,

All R/o Village Padampur, Thana Jarhagaon, District Mungeli, Chhattisgarh.

---- Petitioners

Versus

1. The State Of Chhattisgarh Through Police Station Jarhagaon, District Mungeli, Chhattisgarh.
2. Anil Jaiswal S/o Chhedilal Jaiswal R/o Village Padampur, District Mungeli, Chhattisgarh

---- Respondents

For petitioners- Shri Parag Kotecha, Advocate.
For State/respondent No.1- Shri Anupam Dubey, Dy.G.A.
For respondent No.2- Shri Akhtar Hussain, Advocate.

Hon'ble Shri Justice Goutam Bhaduri

Order

24/10/2017

1. Present petition is for quashing of FIR No.54/17 of Police Station Jarhagaon, District Mungeli and to quash Criminal Case No.365/2017.
2. Learned counsel for the petitioner would submit that as per FIR lodged by Anil Jaiswal entire allegations were only on Ravikant petitioner No.2 herein. In respect of Ram Bahoran Jaiswal, Hemkant and Pakla i.e. petitioners No.1, 3 & 4 herein they have been named on the hearsay of one Raj Kumar Jaiswal and therefore no allegation is attributed against present petitioners No.1, 3 & 4 and offence accordingly is not made out, therefore FIR needs to be quashed.
3. Learned State counsel and learned counsel for respondent No.2

opposes the argument.

4. Perused the statement of Anil Jaiswal & Raj Kumar wherein categorical allegations have been attributed against present petitioners. While exercising power under Section 482 of Cr.P.C. finding of fact by marshalling the evidence cannot be gone into. Observation cannot be arrived only on the basis of one FIR. While quashing FIR of the criminal case entire allegation against the accused are to be seen. Here reading of the statement of the witness Anil Jaiswal & Raj Kumar presence of the petitioners have been affirmed. Therefore, it would not be proper for this court to give finding of alibi to the petitioners at the threshold. This can only be gone into when evidence is ready before the court below.

5. Consequently, petition has no merit and it is dismissed.

Sd/-

(Goutam Bhaduri)

JUDGE