

HIGH COURT OF CHHATTISGARH, BILASPUR

CRMP No. 1175 of 2017

1. Amit Tripathi, S/o. Shri Fulchand Tripathi, Aged About 21 Years, Occupation Business, R/o. Ward No.15, Gharghoda Tahsil/ P.S. Ghargohda, District Raigarh, Chhattisgarh, Civil & Revenue District Raigarh, Chhattisgarh.
2. Sachin @ Shonu Gupta, S/o. Ranjit Gupta, Aged About 26 Years, Occupation Business, R/o. Village Barghat, Tahsil/ P.S. Gharghoda, District Raigarh, Chhattisgarh, Civil & Revenue District Raigarh, Chhattisgarh.

---- Petitioners

Versus

1. State Of Chhattisgarh, Through the Secretary Department Of Home, Mantralay Mahanadi Bhawan, New Raipur, District Raipur, Chhattisgarh.
2. Superintendent Of Police, Raigarh, District – Raigarh, Chhattisgarh.
3. Station House Officer, Police Station Gharghoda, District Raigarh, Chhattisgarh.

---- Respondents

For Petitioners : Mr. Ganesh Burman, Advocate

For Respondents : Mr. Ramakant Pandey, Panel Lawyer

Hon'ble Shri Justice Goutam Bhaduri

Order On Board

07.11.2017

Heard

1. The instant petition is for quashing of the FIR registered in Crime No.80/2017 & 81/2017 dated 01.05.2017.
2. It is submitted by the petitioners that on 28.04.2017 infact the petitioners were assaulted and were beaten for which they were subjected to medical examination but instead of that a false report has been lodged by the complainant and petitioners have been made accused and false FIR is lodged. Therefore, the FIR is fabricated, which requires to be quashed.
3. Perusal of the FIR would show that FIR was lodged by the victim alleging that on 29.04.2017 the petitioners alongwith other

accused forcefully entered into the house, assaulted and tried to outrage her modesty. Another FIR appears to be made by the husband of the victim Jitendra Singh wherein he stated that while he was on his way to lodge the report of the first incident, which has happened in his house on 29.04.2017, he was intercepted to go to Police Station and also was assaulted.

4. Reading of the reports, which were lodged on 01.05.2017 it can not be *prima facie* said to be that the allegation are completely false. The veracity of such complaint are to be investigated. This Court in exercise of power under Section 482 of Cr.P.C. cannot give a finding at the threshold that the report is false and fabricated. Section 482 of Cr.P.C. preserves the inherent powers of the High Court to prevent an abuse of the process of any court or to secure the ends of justice. Unless & until it is shown the necessity to exercise the power to secure the ends of justice, the inherent power of the High Court cannot be pressed into motion. By mere call to quash the FIR, it can not be said that the FIR is false. Nothing is on record to show that the false FIR has been lodged. It is also obvious if the cognizable offence are reported then the police authorities are required to register the FIR which is followed by the investigation.
5. Consequently, at this stage, the FIR cannot be quashed and the petition appears to be frivolous. The petition has no merits and accordingly it is dismissed.

Sd/-
(Goutam Bhaduri)
Judge