

HIGH COURT OF CHHATTISGARH, BILASPUR

CRMP No. 10 of 2018

1. Mukut Ram, S/o Rampal, Aged About 50 Years.
2. Bhojram Lahre, S/o Antram, Aged About 40 Years.
3. Panchram Lahre, S/o Sonsai, Aged About 55 Years.
4. Parasram Kurre, S/o Rohi Kurre, Aged About 48 Years.
5. Sanjay, S/o Antram, Aged About 24 Years.
6. Kailash Lahre, S/o Antram, Aged About 33 Years.
7. Rajkumar Lahre, S/o Bhajan Lal Lahre, Aged About 36 Years.
8. Pardeshi, S/o Dadar Kevat, Aged About 33 Years.
9. Santan Das, S/o Chhedu Ram, Aged About 63 Years.
10. Fenku Ram, S/o Late Mahadev Kurre, Aged About 45 Years.
11. Laxminarayan, S/o Bhukus Ram, Aged About 25 Years.
12. Prakash, S/o Tulsi Das Dhirhe, Aged About 27 Years.
13. Santosh Kumar, S/o Om Ram, Aged About 24 Years.
14. Ganesh Ram, S/o Bharat Bhardwaj, Aged About 28 Years.
15. Rakesh, S/o Bhukus Ram Kurre, Aged About 27 Years.
16. Kamal Kurre, S/o. Paras Ram, Aged About 28 Years.
17. Teej Ram, S/o Sonu Ram, Aged About 35 Years.
18. Firtu Ram, S/o Late Lahri Satnami, Aged About 66 Years.
19. Arjun Kevat, S/o Laxaman Kevat, Aged About 21 Years.
20. Bharat Bharadwaj, S/o Mahaveer, Aged About 53 Years.

All are R/o. Village- Bade Pardamuda, P.S. Malkharoda, District Janjgir
-Champa, Chhattisgarh

---- Petitioners

Versus

1. State Of Chhattisgarh, Through Secretary, Department Of Home (Police), Mahanadi Bhawan, Naya Raipur, Revenue & Civil District Raipur Chhattisgarh
2. Director General Of Police, Raipur, Revenue & Civil District Raipur, Chhattisgarh
3. Superintendent Of Police, Janjgir Champa, District Janjgir Champa, Chhattisgarh
4. Station House Officer, Police Station Malkharoda, District Janjgir Champa, Chhattisgarh
5. K.P. Gupta, Posted as Sub Inspector at Police Station Malkharoda, District Janjgir Champa, Chhattisgarh

---- Respondents

For Petitioners	:	Mr. Surfaraj Khan, Advocate
For State	:	Mr. Ashish Shukla, Dy. A.G.

Hon'ble Shri Justice Goutam Bhaduri**Order On Board****08.01.2018**

Heard

1. The present petition is to quash the entire criminal proceedings in Sessions Trial No.337/2017 pending in the Court of Second Additional Sessions Judge Sakti, District Janjgir-Champa including the FIR No.107/2017 registered at Police Station- Malkharoda and to quash the Final Report No.108/2017 for the offences punishable under Sections 147, 186, 353, 332, 294 & 307 of Indian Penal Code.
2. The brief facts of this case are that the road accident took place on 27.06.2017 near village Charoudi against one Trilok Bharti whereby one person Bharat Ram Lahre died who was the brother of one of the petitioners. Subsequent to it, agitation took place and the S.H.O. Malkharoda when he went to the spot after receiving the information, he saw the driver of the offending vehicle bearing No. C.G.25-5287 namely Triloki Bharti was being manhandled. Having seen the fact, he tried to intervene to save him from assault and thereafter send him to the Police Station. Subsequently, the villagers therein congregated and obstructed the road and thereafter abused the administration and put the offending vehicle to fire and further they attacked to the S.H.O. on the ground that he has allowed the driver of the vehicle to flee away. Thereby, he was also assaulted and the villagers tried to put the police officer into the burning vehicle and, as such, the offence has been committed.

3. Learned counsel for the petitioners would submit that the documents would show that at the relevant time, the complainant K.P.Gupta, who is S.H.O., was not present on the spot, he was doing his duty at Gram Panchayat Charoudi. He further submits that the seizure as has been made would show that no incriminating article has been seized and only torn uniform of the complainant has been seized. He further submits that the complainant himself has started investigation, therefore, the entire investigation is faulty. He submits that all the persons went to the Police Station and have lodged the report, therefore, the way the offence is alleged to have been committed is completely improbable, as such, the FIR and proceedings of S.T. No.337/2017 is required to be quashed.
4. Perused the report of the S.H.O. Malkharoda wherein he has stated that while he was doing his duty on 27.06.2017 at Gram Panchayat Charoudi as there was some no confidence motion was moved and was at Panchayat office premises. He received an information that an accident has taken place in between Charoudi & Padarnuda by a vehicle bearing No. C.G. 25- 5287 and the offending vehicle at that time was driven by Trilok Bharti and his friend Rupendra Kumar Rathod. When he reached the spot, he saw the driver and inmate of the vehicle were being assaulted and manhandled. Having seen so he intervened in order to save the said driver and send him to the Police Station. Subsequently, all the persons named in FIR have congregated at the place and blocked the road and the offending vehicle was put to fire. Thereafter, he was subjected to filthy abuse and in furtherance of their common intention the accused tried to catch hold of the

police officer and to throw him into the burning vehicle. Thereby the offence has been committed.

5. Perusal of the FIR, at this stage, unless and until the evidence is lead, it cannot be stated that the entire allegations are fabricated and false under the circumstances. It was the only police officer who was assaulted to perform his official duty and further criminal assault was made apart from him no evidence can be gathered. After perusal of the FIR and the statement of I.O., at this stage, it cannot be stated that false allegations have been attributed. Whatever the defence has been raised by the petitioner can only be ascertained at the time of trial. By evaluating the statement of the FIR and the evidence, in the opinion of this Court, it would not be justified to exercise the inherent power as *prima facie* it do not project any abuse of process of Court or is otherwise require to secure the ends of justice otherwise. Considering the same, I am not inclined to entertain this petition.
6. Accordingly, the petition is dismissed at the admission stage itself.

Sd/-
(Goutam Bhaduri)
Judge