

# **HIGH COURT OF CHHATTISGARH, BILASPUR**

**CRMP No. 188 of 2015**

Id Mohamad S/o Abdul Ajim Mohamad Aged About 50 Years  
Wrongly Mentioned As Ajit R/o Ward No. 13, Nandini Town  
Ship Ahiwara, P.S. Nandini Nagar Ahiwara, Tahsil Dhamda,  
District Durg C.G. --- **Petitioner**

**Versus**

1. State of Chhattisgarh Through Station House Officer, Police  
Station Nandini Nagar Ahiwara, District Durg C.G.
2. Smt. Bunda Bai W/o Late Lakhan Das Manikpuri R/o Village  
Arasnara, Police Station Nandini Nagar, District- Durg,  
Chhattisgarh. --- **Respondent**

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| For the Petitioners | : | Mr. Arun Kochar, Advocate |
| For the State       | : | Mr. Suryakant Mishra, PL  |

**Hon'ble Shri Justice Goutam Bhaduri**

**Order on Board**

**17.04.2018**

1. Heard.
2. The instant petition is for quashing the criminal proceeding pending against the petitioner arising out of the FIR lodged by Smt. Bunda Bai, wife of Late Lakhan Das.
3. A perusal of the documents would show that the FIR was lodged by Bunda Bai Manikpuri on 25.06.2012 alleging that the present petitioner Peer Mohammed who was holding the general power of attorney of Lakhan Das immediately after death of Lakhan Das on 23.06.2010 executed a sale deed dated 24.06.2010 and received the amount. It is stated that on 23.06.2010 when Lakhan Das died the petitioner visited the house of complainant and consolidated them and went away and on the next day executed a sale deed which came to the notice of the complainant when the names of legal heirs were to be recorded after death of Lakhan Das.

4. Learned counsel for the petitioner would submit that the entire allegations are civil in nature and the civil suit in respect of the same property is pending before the court therefore, the FIR do not constitute any offence.
5. The record would show that the FIR was of the year 2012. On the earlier occasion despite it was directed to the petitioner to ascertain what is the position of the criminal case, still the information is awaited. The documents would show that after the FIR was lodged, the investigation was carried out and the charge sheet has been filed before the JMFC. At this stage, since the charge sheet has already been filed and after perusal of the statement of Bunda Bai, I am of the opinion, the proceedings and the FIR prima facie constitute an offence which is to be adjudicated before the trial court. At this stage, after a long gap since the petitioner himself is unable to make submission as to what is the stage of criminal trial, it would not be possible to reach a logical end for issuance of any direction.
6. Also perused the statements of complainant Bunda Bai and that of other witnesses Akhilesh & Sohan Das Manikpuri. After perusal of their statements, at this stage, no case is made out to quash the FIR and the charge sheet.
7. The petition has no merit and is dismissed.

**Sd/-  
GOUTAM BHADURI  
JUDGE**