

HIGH COURT OF CHHATTISGARH, BILASPUR**W.P.(Cr) No. 52 of 2018**

Mohd. Munna Mustaqim Qureshi S/o Late Rahim Baksha Aged
About 51 Years R/o Islam Nagar, Ward No. 14, Babarpur, Ajeetmal,
P. S. And Tehsil Ajeetmal, District- Orraiya, (U. P.)

---- **Petitioner**

Versus

1. State Of Chhattisgarh, Through Secretary, Department Of Home Affairs (Police), Mahanadi Bhawan, Naya Raipur, District- Raipur, Chhattisgarh.
2. Superintendent Of Police Bilaspur, District- Bilaspur, Chhattisgarh.
3. Station House Officer, Police Station Pendra, District- Bilaspur, Chhattisgarh.

---- **Respondents**

For petitioner – Shri Surfaraj Khan, Advocate.
For State- Shri Ashish Shukla, Dy.A.G.

Hon'ble Shri Justice Goutam Bhaduri**Order**

31/01/2018

Heard.

1. Instant petition is filed claiming the following reliefs:-
 - (i) That, this Hon'ble Court may kindly be pleased to issue a writ (s), order (s), direction (s), by quashing the FIR No.117/2016 (Annexure P-1) and further proceeding which may further culminate into filing of final report in consequences of FIR No.117/2016, in respect to the petitioner and also of a writ of mandamus restraining the respondent No.3 from further proceedings with the investigation.
 - (ii) That, this Hon'ble Court may kindly be pleased to issue a writ in the nature of Mandamus against the respondent authorities by commanding the police authorities to fairly investigate the matter as per the procedure and not to falsely implicate your petitioner in any offence without any cogent and clinching evidence.
 - (iii) That, this Hon'ble Court may kindly be pleased to call the entire records from the respondents authorities for its kind perusal.
 - (iv) Any other relief, which may be suitable in the facts and circumstances of the case, may also be granted.

2. Learned counsel for the petitioner would submit that on 13/04/2016 truck bearing registration No.U.P.-79 T/0885 was intercepted and initially it was found that truck was loaded with 16 buffaloes which were being carried to the slaughter house. Learned counsel further submits that thereafter when FIR was registered the present petitioner was not named and simply because of the fact it was revealed that the petitioner is the registered owner of the alleged vehicle, he cannot be inculpated in the crime. It is further contended that if the vehicle has been taken on hire then if criminal act is committed by the persons who had hired the vehicle owner cannot be held responsible.

3. Perusal of the FIR would show that vehicle was intercepted on 13/04/2016 wherein in vehicle 16 buffaloes were found, it was alleged to have been taken to the slaughter house and thereby offence under Section 6, 10 and 11 of the Chhattisgarh Agricultural Cattle Preservation Act, 2004 and section 11 (d) of the Prevention of Cruelty to Animals Act, 1960 has been registered.

4. Be that as it may, considering the fact that investigation is going on, at this stage it will be too premature to exonerate and quash FIR against the petitioner as it cannot be said that petitioner has no nexus in view of the fact admittedly vehicle belong to him. Consequently, FIR which is sought to be quashed on the ground alleged would amount to exonerating the petitioner at the threshold without enquiry.

5. In view of this, I do not find any reason to interfere in the case and accordingly the petition is dismissed.

Sd/-

(Goutam Bhaduri)

JUDGE

