

NAFR

HIGH COURT OF CHHATTISGARH, BILASPUR**CRMP No. 323 of 2018**

1. Radhe Shyam Saraf S/o Late Shri Lakhanlal Saraf Aged About 61 Years
R/o Geetanjali Nagar, Kashyap Colony, Gulley No. 05, Tehsil And District
Bilaspur Chhattisgarh
2. Arun Kumar Awasthi S/o Late Shri Girish Kumar Awasthi Aged About 59
Years R/o Vikas Nagar 27 Kholi, Tehsil And District Bilaspur Chhattisgarh

---- Petitioners**Versus**

1. State of Chhattisgarh Through P. S. City Kotwali, District Bilaspur
Chhattisgarh
2. Smt. Vidya Devi Saraf W/o Late Shri Lakhanlal Saraf, Aged about 80 years,
R/o Kashyap Colony, Gulley No. 5, Tehsil And District Bilaspur Chhattisgarh

---- Respondents

For Petitioners	:	Shri Achyut Tiwari, Advocate
For Respondent No.1/State		Shri S.K. Mishra, PL for the State

Hon'ble Shri Justice Goutam Bhaduri**Order On Board****20/02/2018**

1. The present petition has been preferred against the registration of FIR against the petitioners pursuant to the direction issued by this Court on 11.01.2018 in WPCR No.16/2018.
2. Learned counsel for the petitioners would submit that the FIR has been registered on the basis of the report of handwriting expert in respect of signature over a WILL that signature is not genuine but the same is negated by the subsequent handwriting expert report, which favours the petitioner about authenticity of the signature over the WILL. Consequently, the FIR may be quashed.

3. Perusal of the document would show that pursuant to the order dated 11.01.2018 passed in WPCR No.16/18, wherein following the principles laid down in ***Lalita Kumari Vs. Government of Uttar Pradesh and others*** **{{(2014) 2 SCC 1}}** this Court has directed for registration of FIR. It is quite obvious registration of FIR do not constitute the offence, therefore, the police would be entitled to investigate the offence, if any is made out or not. The petitioner, if are in hold of the document of handwriting expert, which favours them, they may also place the same before the Investigating Officer to support their contention. In view of this, it is directed that the Police may carry out the investigation and the petitioner, if so advised, may file a suitable bail application before the competent Court within a period of 30 days. Till then no coercive steps shall be taken against the petitioners.
4. With such observation the petition stands disposed of.

Sd/-

Goutam Bhaduri

Judge

Ashu