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HIGH COURT OF CHHATTISGARH, BILASPUR

CRMP No. 400 of 2018

- Jagdish Bansal S/o Ramphal Agrawal Aged About 59 Years R/o Village Sakti, Police Station And Tahsil Sakti, Civil And Revenue District Janjgir Champa Chhattisgarh Mo. No. :- 9300624445

---- Petitioner

Versus

1. State of Chhattisgarh Through Secretary Home Department Mahanadi Bhawan New Mantralaya Raipur Police Station Kewli, Tahsil Civil And Revenue District Raipur Chhattisgarh

2. State of Chhattisgarh Through -Police of Police Station Sakti, Tahsil Sakti, Civil And Revenue District Janjgir Champa Chhattisgarh

---- Respondents

For Petitioner	:	Shri Ratnesh Kumar Agrawal, Advocate
For Respondents-State	:	Shri Ashish Shukla, Dy. AG for the State

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Hon'ble Shri Justice Goutam Bhaduri

Order On Board

17/04/2018

1. The present petition is for quashing the FIR dated 08.02.2018 bearing No.65/18 lodged by Tehsildar Smt. B. Ekka.

2. Facts of the case, in brief, are that the petitioner had purchased certain land i.e. Khasra No.390/2 admeasuring area 0.60 acres and Khasra No.390/4 admeasuring area 0.50 acres from Natthuram and Mojelal by a registered sale deed. The allegation is that the description of the property was shown in the sale deed that it is 50 meter inside from the national highway but actually it is adjacent to the national highway. Consequently, there has been a deliberate avoidance of the stamp duty by undervaluing the property.

3. Learned counsel for the petitioner submits that the said allegations are completely false that he has described the property that it is 50 meter inside

the national highway and the stamp duty if any has not been paid it can be recovered under Section 47 (A) of the Indian Stamp Act and no offence is made out in the Indian Stamp Act.

4. Perused the FIR. The FIR shows that allegations are that the land bearing Khasra Nos. 390/02 & 390/04 was shown to be at a distance of the National Highway. Consequently, the property was undervalued and it caused loss of Rs.221222/- as the lands are situated adjacent to the National Highway. It is alleged that thereby false affidavit and declaration was given by the petitioner.
5. The Copy of the sale deed is also placed on record, wherein description of the property is shown as 50 meter inside from the National Highway. The affidavit also shows the similar fact. Therefore, if the actual property is situated adjacent to the National Highway then certainly there has been mis-description of the declaration. The recovery of the deficit stamp duty charges operates in the different arena and it is for the recovery of the deficit amount of the stamp duty while registration of sale deed. When those are produced before the Sub-Registrar for registration, in such eventuality the role of the Sub-Registrar, who normally inspects the property to calculate the value also becomes relevant. It is also alleged that the land which is purchased, the ownership belongs to the government. Consequently, if the FIR is quashed at this stage any enquiry contemplated would be suppressed and therefore enquiry cannot be nipped in the bud. After going through the FIR prima facie it appears that the consortium efforts have been made by the petitioner and the others at the time of registration to cause loss to the government which needs investigation.
6. The petition has no merits. It is accordingly dismissed.

Sd/-

Goutam Bhaduri
Judge

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