

**HIGH COURT OF CHHATTISGARH, BILASPUR****CRMP No. 534 of 2018**

Yogesh Verma S/o Late Hemant Verma Aged About 35 Years R/o  
 Village Maditarai, Post Office Jatkanhar, Thana Dongargarh, Civil &  
 Revenue Distt. Rajnandgaon Chhattisgarh, District : Rajnandgaon,  
 Chhattisgarh **--- Petitioner**

**Versus**

1. State of Chhattisgarh through the Station House Officer, Police  
 Station Dongargarh, Distt. Rajnandgaon Chhattisgarh,
2. Superintendent of Police, Rajnandgaon, District Rajandgaon  
 Chhattisgarh.
3. Inspector General of Police Police Head Quarter at Raipur District :  
 Raipur, Chhattisgarh **--- Respondents**

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| For the Petitioner  | : | Mr. A. K. Patel, Advocate. |
| For the Respondents | : | Mr. Ashish Shukla, Dy.A.G. |

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**Hon'ble Shri Justice Goutam Bhaduri****Order on Board****17.07.2018**

1. This a petition filed u/s 482 of the Code of Criminal Procedure  
 seeking quashment of the proceedings arising out of  
 registration of Crime No.303/2017 registered by respondent  
 No.1 against the petitioner.
2. Learned counsel for the petitioner submits that the report  
 was lodged by one Kripa Ram, the owner of the land wherein  
 it is alleged that his son Jeevan Lal has executed a sale deed  
 by replacing his photographs on the Rin Pustika and put his  
 signature as Kripa Ram and sold the land to different  
 purchasers. The fact came to the fore when the complainant  
 wanted to get his Aadhar number registered before the  
 Patwari. Thereafter after investigation it was revealed that  
 the present applicant was also instrumental in execution of

the sale deed.

3. Learned counsel for the petitioner would submit that the petitioner has been inculpated only on the memorandum statement of co-accused and there is no direct evidence against the petitioner and even if the entire charge sheet is accepted, no case is made out. He further submits that neither the document bears any signature of the petitioner nor his any involvement has been stated by the prosecution. Learned counsel placed reliance on a case law reported in *(2016) 3 SCC 309* and would submit that even if the uncontroverted allegations are accepted, it will not make out a case. Therefore, the entire proceedings needs to be quashed in exercise of power u/s 482 of the Code of Criminal Procedure.
4. Perused the document. In the memorandum statement of Kaushal Nandeshwar it is stated that the present petitioner Yogesh has advised and he was main instrument to execute the sale deed in his favour in respect of the property owned by Kriparam to liquidate the loan taken by Jeevan for purchase of tractor. In statement of Soni Bai, wife of complainant Kripa Ram she had further stated that she met the present petitioner Yogesh and he told her that when payment of loan amount for the Tractor could not be made by Jeevan, the petitioner has advised Jeevan to execute a sale deed in respect of land of his father in favour of Kushal and on being asked by Jeevan that how the registry could be made as the land is recorded in his father, then it was advised by the petitioner to bring the Rin Pustika of the land of his father and it was further assured by the petitioner that

rest of the things would be done by him. The statement of Sujit Pathak who prepared the indenture of the sale has also stated that the present petitioner Yogesh Verma has brought the parties before him for preparation of the sale deed.

5. The Supreme Court in case of **(2016) 3 SCC 309 Bobbili Ramakrishna Raja Yadad v State of A.P.**, has held in paragraph 11 as under :

“11. It is well settled that power under Section 482 CrPC should be sparingly exercised in rare cases. As has been laid down by this Court in *Madhavrao Jiwajirao Scindia v Sambhajirao Chandrojirao Angre*, that (SCC p. 695, para 7) when a prosecution at the initial stage was asked to be quashed, the test to be applied by the Court was as to whether the uncontroverted allegations as made in the complaint *prima facie* establish the offence. It was also for the Court to take into consideration any special feature which appears in a particular case to consider whether it was expedient and in the interest of justice to permit a prosecution to continue. This was so on the basis that the Court cannot be utilized for any oblique purpose and where in the opinion of the Court chances of an ultimate conviction are bleak and therefore, no useful purpose was likely to be served by allowing a criminal prosecution to continue, the Court may while taking into consideration the special facts of a case also quash the proceedings even though it may be at a preliminary stage.”

6. Applying the ratio of the aforesaid case to the facts of the present case, I am of the opinion that it is not a case where the some special features exist to consider the prosecution to be quashed. Considering the statements of Sujit Pathak and Soni Bai, the witnesses in this case and the role played by this petitioner, at this stage, it cannot be said that the

petitioner is innocent. It is for the trial Court to evaluate the entire evidence recorded before the Court as and when the witnesses are examined and by mere reading of the statements, prima facie it cannot be said that no case is made out against the petitioner. Therefore, I am not inclined to exercise the extra-ordinary powers of the Court to quash the proceeding. Accordingly, the petition is dismissed.

Sd/-

**GOUTAM BHADURI  
JUDGE**