

HIGH COURT OF CHHATTISGARH, BILASPUR

WP(Cr.) No. 343 of 2017

Mukesh Garg, S/o. Chabildas Garg, Aged About 50 Years, R/o. Pratappur,
Tahsil & Police Station Pratappur, District Surajpur, Chhattisgarh

---- **Petitioner**

Versus

1. State Of Chhattisgarh, Through the Secretary, Home Department, Mahanadi Bhawan, Naya Raipur, Chhattisgarh.
2. The Director General Of Police, Police Head Quarter Raipur, District Raipur, Chhattisgarh.
3. Inspector General Of Police, Surguja Range, Ambikapur, District Surguja, Chhattisgarh.
4. Superintendent Of Police, Surajpur, District Surajpur, Chhattisgarh.
5. Collector, Surajpur, District Surajpur, Chhattisgarh.
6. Station House Officer, Police Station Pratappur, District Surajpur, Chhattisgarh.

---- **Respondents**

For Petitioner : Mr. V.K.Pandey, Advocate
For State/Respondents : Mr. Adhiraj Surana, Dy. G.A.

Hon'ble Shri Justice Goutam Bhaduri

Order On Board

10.01.2018

Heard

1. The instant petition is to quash the FIR dated 18.09.2017, which is filed as Annexure P-1.
2. Learned counsel for the petitioner submits that the petitioner was granted a lease on 09.10.1995 and subsequently his name was mutated on 12.11.1995. After 20 years, a complaint was made that the lease so granted is completely an outcome of a fraud and that is a forest land, therefore, FIR has been registered. It is contended that the petitioner is in hold of the lease, therefore, it cannot be stated that it was an outcome of a fraud as it came out of a judicial proceeding and thereafter the lease was granted. He further

submits that the Collector subsequently has ordered for status quo.

3. Perused the reply of the State alongwith the memo, which was addressed to the S.H.O. Pratappur & S.D.O. Pratappur. Perusal of the report would show that the said Khasra No.92/2 which was now Khasra No.79 admeasuring 0.03 Hectare was registered as forest land for which the Central Government was authorised to give any grant or settlement. The report further shows that the Nayab Tahsildar S.K. Suryavanshi and Patwari Ganga Prasad Mishra made a fake lease deed, which has been granted to Mukesh Kumar and the forged lease case bearing No.1A-19/94-95 dated 09.10.1995 though has been stated to be in the Court of Tahsildar but in-fact no case was found in the Court of the Tahsildar. The report further says that according to the memo of the Patwari, Mukesh Kumar the present petitioner was again shown to be landless person and was shown in possession of the land and again the allotment of the land is made. Thereafter, the enquiry was conducted wherein Tahsildar, Revenue Inspector & Patwari memo was further considered and it was found that no document was ever existing in the records and forged case was made so as to grant the lease. It further shows that over the forest land, another Settlement Officer V.K.Kujur has passed an order in favour of the petitioner.
4. Perusal of the FIR would *prima facie* shows that certain enquiry was conducted about the authenticity of the lease, which was granted to the petitioner. Taking into facts of this case, no case is made out to exercise the power under Article 226/227 to secure the ends of justice or to prevent any abuse of the Court. The FIR

prima facie appears to be outcome of an enquiry made by Tahsildar and other Revenue Officers, therefore, I am not inclined to quash the FIR at the threshold.

5. In view of the above, the petition has no merit and accordingly is dismissed at the admission stage itself.

Sd/-
(Goutam Bhaduri)
Judge

Ashok