

## HIGH COURT OF CHHATTISGARH, BILASPUR

**CRMP No. 546 of 2018**

1. Rajendra Karan Rajpoot S/o Late Shankar Lal Karn Rajpoot Aged About 40 Years R/o Himanadri Avenue Lane No. 6, Street No. 3, Ring Road, Jogiwala Dehradun District : Dehradun, Uttaranchal
  2. Vinod Kumar Shankhwar S/o Jamana Prasad Aged About 37 Years R/o Shivalik View Lane 1, Ring Road Jogiwala, Dehradun , District : Dehradun, Uttaranchal
- Petitioners**

### **Versus**

1. State of Chhattisgarh through the Station House Officer, Police Station Dhamtari Chhattisgarh District Dhamtari Chhattisgarh, District : Dhamtari, Chhattisgarh
  2. Kamleshwar Singh Rajpoot S/o Jawahar Singh Rajpoot Occupation Service R/o Rawatpura Nagar, Mathpurana Nagar, District Raipur Chhattisgarh, District : Raipur, Chhattisgarh
- Respondent**

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|---------------------|-----------------------------------------------------------|
| For the applicants  | : Dr. Saurabh Kumar Pandey, Advocate                      |
| For the State       | : Ashish Shukla, Dy. Advocate General                     |
| Fir Respondent No.2 | : Mr. Sachin Nidhi, on behalf of Mr.Y.C. Sharma, Advocate |

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**Hon'ble Shri Justice GOUTAM BHADURI**

### **Order on Board**

**19.07.2018**

1. In this petition filed under Section 482 of the Code of Criminal Procedure, the petitioner has sought the following relief(s) in the prayer clause :

“(i) Call for the records of the case from respondent No.1;

(ii) Allow this petition, by quashing and setting aside the First Information Report No. 33305015170300/dated 08/08/2017 registered by respondent no.1 for the offences falling under Section 120-B, 420, 467, 468 of the Indian Penal Code, 1860 and for the offences falling under section 10 of the Chhattisgarh Protection of Depositors Interest Act, 2005 upon an information given by respondent no.2 against the petitioners as they are ready to refund the entire amount to to respondent No.2 as claimed by him in the FIR dated 08/08/2017.

(iii) By way of granting interim relief to the

petitioners, stay the further proceedings in the First Information Report No. 33305015170300/dated 08/08/2017 registered by respondent no.1 against the petitioners as the petitioners are ready to pay the legally payable dues to respondent no.2 if so directed by this Hon'ble Court;

***or in the alternative***

(iv) Direct respondent no.1 not to take any coercive action against the the petitioners pending final disposal of the instant petition as the petitioners are ready to pay the legally payable dues to respondent no.2 if so directed by this Hon'ble Court;

(v) Stay the direction contained in the letter dated 22/09/2017 of the respondent no.1 and the accounts of SFAL are made operational as the time limit given by SEBI vide its order dated 22.12.2017 is 31.3.2018

(vi) grant ex-parte interim relief in terms of prayer clause (iii), (iv) & (v)

(vii) any other befitting relief which may be found suitable in the facts and circumstances of the present case may also be granted to the petitioners."

2. This Court by order dated 20.03.2018 has initially given an interim protection to the petitioners considering the statement made by their counsel that the petitioners are ready and willing to pay back the amount to the depositors to the extent of Rs.35 lakhs. Subsequently on the next date of hearing i.e., 10.04.2018 when the money as was assured to be returned has not been paid, the interim protection granted to the petitioners was vacated.
3. Learned counsel for the petitioners would submit that though the petitioners are ready and willing to pay the amounts but they could not come down to the steps as there is apprehension that if they come down, they would be arrested.
4. The prayer made in this petition is primarily for quashment of the FIR. A perusal of the FIR would show that it was

registered on the statement of Kamleshwar Singh Rajput that he along-with others had invested in the Company namely Suvidha Land Developers and Creative India Multi State Agro Purpose Cooperative Ltd., on the allurement that on deposits being made in the Company they would get double amounts with high rate of interest but eventually when the deposited amounts were not returned within time so framed and assured by the Company and further when all of a sudden after 2-3 months of collection of the money from certain other persons, the office of the company Company was closed in the city of Dhamtari and Durg, the reports were made. Thereafter, again the meeting was convened and on the assurance of returning the deposits, even they went to Gwalior wherein certain documents were executed but eventually no money was paid and it was stated that the Company possesses different properties which would be sold to liquidate the outstanding dues of the depositors.

5. On prima facie reading of the contents of FIR, it cannot be said that no offence is made out. Therefore, I am not inclined to exercise the jurisdiction u/s 482 of Cr.P.C., to quash the proceedings of FIR against the petitioners. The Police would be free to proceed with the investigation and take coercive steps as the promise for return of the money appears to have been failed. Accordingly, the petition is dismissed.

**Sd/-**

**GOUTAM BHADURI  
JUDGE**