

NAFR

HIGH COURT OF CHHATTISGARH, BILASPUR**CRMP No. 787 of 2018**

- Abhishek Shrivastav S/o Ajay Shrivastava Aged About 38 Years R/o Beside Wine Shop, Pahad Mandir, Kaouhakunda, P. S. Chakradharnagar, Tahsil And District Raigarh Chhattisgarh

---- **Petitioner****Versus**

- Dhupchand Yadav S/o Late Sinhashan Yadav Aged About 50 Years Occupation Business, R/o Near Chhatamuda Bypass, Raigarh, Tahsil And District Raigarh Chhattisgarh

---- **Respondent**

For Petitioner : Shri Hemant Gupta, Advocate

Hon'ble Shri Justice Goutam Bhaduri**Order On Board****19/04/2018**

1. Heard.
2. The instant petition is against the order dated 13.03.2018, whereby on an application made by the respondent, the CJM has directed for registration of the FIR and ordered for investigation and thereafter produce the FIR before the Court.
3. Learned counsel for the petitioner submits that on wrong submission of fact the order has been obtained by the respondent. He further submits that there was no transaction in between the petitioner and the complainant and the entire transaction was with the UCO Bank for sale of property for which the petitioner and respondent have staked their claim. He relies on the case of ***Priyanka Shrivastava and Another Vs. State of Uttar Pradesh and***

Others {(2015) 6 SCC 287} and submits that there cannot be a direction to lodge FIR only on the basis of complaint filed.

4. Perusal of the order and the documents filed along with the petition shows that the trial Court while issuing for registration of FIR has recorded that the petitioner by showing some others land to be his own land entered into transaction for sale and deliberately certain wrong dates were placed on the documents thereby an amount of Rs.1,80,000/- was received. It further records though the cognizable offence was reported to the police, it was not registered. Consequently, the Court after going through the contents thereof has directed for registration of the FIR.
5. The Supreme Court in the case of ***SUDHIR BHASKARRAO TAMBE Vs. HEMANT YASHWANT DHAGE AND OTHERS {(2016) 6 SCC 277}*** has laid down that if an application is filed under Section 156 (3) Cr.P.C., the Magistrate is prima facie satisfied, he can direct registration of the FIR and if the FIR has already been registered, can issue a direction for proper investigation and also can monitor the investigation.
6. Here in this case the order of the Court below would show that after evaluating the prima facie facts the registration of the FIR has been ordered along with the investigation, therefore, the petition at this stage is premature any interference by this Court will amount to arrest the investigation.
7. The petition has no merit. It is accordingly dismissed.

Sd/-

Goutam Bhaduri
Judge

Ashu