

NAFR

HIGH COURT OF CHHATTISGARH, BILASPUR**CR.M.P. No. 905 of 2018**

Yogesh Kupatkar, S/o. Shri Arun Kumar Kupatkar, Aged About 37 Years, R/o. J.B. Apartment, Tikrapara, Mannu Chowk, P.S. City Kotwali, Tahsil And District Bilaspur Chhattisgarh

---- Petitioner**Versus**

1. State Of Chhattisgarh, Through Police Station Incharge Civil Line, Bilaspur, District Bilaspur Chhattisgarh
2. Sunil Kumar Bharadwaj, S/o. Late Shri Shankar Lal Bhardwaj, Aged About 52 Years, R/o. C-1/31 Rama Green City, Baima Nagoi Road Bilaspur, Sarkanda Bilaspur, District Bilaspur, Chhattisgarh.

---- Respondents

For Petitioner	:	Mr. Arvind Kumar Dubey, Advocate
For State	:	Mr. Ashish Shukla, Panel Lawyer

Hon'ble Shri Justice Goutam Bhaduri**Order On Board****09.05.2018**

Heard

1. The present petition is to quash the FIR No.263/2018 dated 27.03.2018 lodged by one respondent No.2 Sunil Kumar Bharadwaj under Section 420 of Indian Penal Code.
2. Learned counsel for the petitioner submits that the sale agreement was entered into in between respondent & petitioner on 30.10.2015 and the sale could not be executed for various reason for which a complaint has been made. He further submits that the subject land in question was a government land and the petitioner was deceived by the seller who purchase the same from one Pinky Goyal on 30.01.2013, as such, the *mens rea* of the petitioner would be apparent that for the sale consideration he has purchased the land. It is further

submitted that under the circumstances the FIR against the petitioner cannot be gone into.

3. Perusal of the FIR would show that the land situated at village Bhadaura bearing Khasra No.317/3 admeasuring 1.50 acre was fixed for Rs.12,50,000/- and out of that sale consideration an advance of Rs. 11,00,000/- was paid. The registry is not executed and money having been asked for, the same was also not returned.
4. Perusal of the record would show that the communication is on record which is addressed to the Superintendent of Police which shows that the mutation could not be carried out for the reason that the land is a government land. At this stage, the *mens rea* of the petitioner cannot be appreciated that he was a bonafide purchaser, the same requires investigation. If the land was a government land, the original seller right from which the title starts whether was aware of the fact is to be adjudicated including the acquisition made by the earlier purchaser Pinky Goyal. Under the facts of this case, I do not find any reason to quash the FIR.
5. In view of the above, the petition has no merit and it is dismissed at the admission stage itself.

Sd/-
(Goutam Bhaduri)
Judge