

HIGH COURT OF CHHATTISGARH, BILASPUR

CRMP No. 967 of 2018

1. Nimish Sunil Agarwal S/o Shri Sunil Agrawal Aged About 38 Years 1/45, Motilal Old Nehru Nagar, Bhilai, P. S. Supela, District Durg Chhattisgarh
2. Sunil Agrawal S/o Late Shri L. N. Agrawal Aged About 68 Years 1/45, Motilal Old Nehru Nagar, Bhilai, P. S. Supela, District Durg Chhattisgarh
3. Rekha Agrawal W/o Shri Sunil Agrawal Aged About 65 Years 1/45, Motilal Old Nehru Nagar, Bhilai, P. S. Supela, District Durg Chhattisgarh
4. Neha Agrawal W/o Shri Udit Agrawal Aged About 41 Years R/o Apartment B1001, Db Woods, Goregaon (East), Mumbai, Maharastra, District : Mumbai, Maharashtra

---- Petitioners

Versus

1. State Of Chhattisgarh Through P. S. Supela, Durg District Durg Chhattisgarh
2. Ruhi Agrawal W/o Nimish S. Agrawal Aged About 34 Years R/o Plot No. 70g, Satyam Shivam Sundaram, Street No. 3, Deepak Nagar, P. S. Mohan Nagar, District Durg Chhattisgarh

---- Respondents

For Petitioners	:	Shri Anil Khare, Senior Advocate with Shri J.S.Hora and Shri Akhilesh Mishra, Advocates
For State	:	Shri Ashish Shukla, Dy.A.G.
For Respondent No.2	:	Shri Surendra Singh, Senior Advocate with Shri Jaydeep Singh Yadav, Advocate

Hon'ble Shri Justice Manindra Mohan Shrivastava

Order On Board

14/09/2018

Heard.

Learned senior counsel appearing for the petitioner made various submissions that even though at this stage, only charge sheet has been filed and no charges have been framed, it is an appropriate case where this Court should invoke its jurisdiction to quash the charge sheet. Arguments have been advanced referring to contents of charge sheet for alleged commission of offences, particularly under

Section 376 IPC.

2. On the other hand, learned senior counsel appearing for the complainant submits that at this stage, charges have not been framed and only charge sheet has been filed and instead of arguing the case before the Trial Court against framing of charges, the petitioners have filed this petition for quashing charge sheet which relates to serious allegations and disputed facts.

3. Learned counsel for respective parties relied upon various decisions.

4. Taking into consideration the submission of learned counsel for the parties, particularly taking into consideration that the petitioners are on bail and prayer for quashing of charge sheet has been made by filing this petition, at this stage, when charges have not been framed and the petitioner would be getting liberty to argue before the Court below against framing of charges on all allegations relating to various offences alleged in the charge sheet, I am not inclined to entertain this petition and the petition is accordingly dismissed, however, with liberty to the petitioner to raise all the grounds which are available to them under the law including the grounds raised in the present petition, before the Trial Court against framing of charges and in the event of there being an adverse order, it shall always be open for the petitioners to challenge the proceedings including the charge sheet and the order, if any, of framing of charges, before the competent forum.

Sd/-
(**Manindra Mohan Shrivastava**)
Judge