

HIGH COURT OF CHHATTISGARH, BILASPUR**W.P.(Cr.) No. 340 of 2018**

Santosh Wani S/o Shri Prabhudas Wani, Aged About 31 Years R/o Manjhawapara, Jarhabhatha Bilaspur, Police Station Civil Lines, Tahsil, Civil And Revenue District Bilaspur Chhattisgarh. ---- **Petitioner**

Versus

1. The Inspector General Of Police Bilaspur Chhattisgarh.
2. The Superintendent Of Police, Bilaspur Chhattisgarh.
3. The Officer-In-Charge, Police Station Civil Lines, Bilaspur, Civil And Revenue District Bilaspur Chhattisgarh.
4. Kumar Rohit Singh S/o Shri Vijay Pratap Singh, Aged About 31 Years R/o Behind Shukla House, Hemunagar Police Station Torwa, Tahsil, Civil And Revenue District Bilaspur Chhattisgarh.
5. Saurabh Kumar Thawait S/o Shri Lakhan Lal Thawait, R/o Indira Colony, Police Station Tarbahar, Civil And Revenue District Bilaspur Chhattisgarh.
6. Ramakant Sharma S/o Shri Suresh Chand Sharma, R/o Wireless Colony, Bilaspur, Civil And Revenue District Bilaspur Chhattisgarh. ---- **Respondents**

For Petitioner:	Shri Devesh G. Kela, Advocate.
For State/Non-Applicants No. 1 to 3:	Shri Ravindra Agrawal, G.A.

Single Bench: Hon'ble Shri Sanjay Agrawal, J
Order On Board

10.10.2018

1. This Petition has been filed under Article 226 of the Constitution of India for issuance of direction against Respondents No. 1 to 3 to register the offence against Respondents No. 4 to 6.

2. According to Shri Devesh G. Kela, learned counsel for the Petitioner that the Petitioner has obtained a loan amount from one Narendra Yadav and in pursuance thereof and for security of the said amount, he issued two blank cheques. He submits further that no cheque as such was issued to Kumar Rohit Singh, Respondent No. 4 hererin. However, based on a deed of forged agreement dated 06.11.2015 and that on the basis of the alleged cheque, he has misused the same and, therefore, praying for registration of offence against him and attesting witnesses of the said deed of *Ikraarnama*.

3. I have heard learned counsel for the Petitioner and perused the entire relevant papers annexed with this Petition carefully.

4. From perusal of the record would show that an agreement was executed on 06.11.2015 by the present Petitioner in favour of Kumar Rohit Singh, in which, it has been mentioned that he has issued a cheque in the name of Kumar Rohit Singh. Perusal of the record would show further that when the alleged cheque was dishonored, an application enumerated under Section 138 of the Negotiable Instruments Act, 1881 was initiated by said Kumar Rohit Singh against the Petitioner Santosh Wani which was registered as Compliant Case No. 814/2016. In the said matter, the Petitioner appeared and obtained bail order dated 12.09.2017 from the Judicial Magistrate First Class. The compliant was, thereafter, lodged by the Petitioner before the Inspector General of Police on 06.03.2018 while reiterating the facts as mentioned hereinabove. It appears that the alleged compliant has been lodged by the Petitioner before Respondent No. 1 only to get rid of the alleged offence initiated by Respondent No. 4-Kumar Rohit Singh against him under Section 138 of the Negotiable Instruments Act.

5. The contention as made by Shri Kela that the alleged agreement was not executed and in fact it was a false document would however require to be determined during the said proceeding and, therefore, at this stage, it is difficult to accept the said contention.

6. Accordingly, I do not find any substance in this Petition. The petition is accordingly dismissed at admission stage itself. No order as to costs.

Sd/-

(Sanjay Agrawal)
JUDGE