

NAFR

HIGH COURT OF CHHATTISGARH, BILASPUR**WPCR No. 364 of 2017**

1. Bijay Agrawal S/o Late S. N. Agrawal, Aged About 50 Years Caste Garg, R/o Pratappur, Tahsil And Police Station Pratappur, District Surajpur Chhattisgarh.
2. Durlabh Agrawal, S/o Vijay Agrawal, Aged About 17 Years (minor) Through The Natural Guardian Father Shri Vijay Kumar Agrawal,

Both are R/o J- 47, Textile Market, Pandri, Raipur District Raipur Chhattisgarh

---- Petitioners**Versus**

1. State of Chhattisgarh Through The Secretary, Home Department, Mahanadi Bhawan, Naya Raipur District Raipur Chhattisgarh
2. Director General Of Police, Police Head Quarter, Raipur, District Raipur Chhattisgarh
3. Superintendent of Police, Raipur, District Raipur, Chhattisgarh
4. Station House Officer, Police Station Telibandha, Raipur, District Raipur, Chhattisgarh
5. A. K. Biswal, Public Information Officer, Chhattisgarh Rajya Bal Ayog, Raipur, District Raipur, Chhattisgarh

---- Respondents

For Petitioners	:	Ms. Neha Verma, Advocate
For Respondents-State	:	Ms. Astha Shukla, PL for the State

Hon'ble Shri Justice Goutam Bhaduri**Order On Board****12/02/2018**

1. Heard.
2. Learned counsel for the petitioner submits that because of the fact that certain information was required from one A. K. Biswal, who is respondent

No.5 herein, the report was made and the application was made to the higher authorities, therefore, as a counter blast the false allegations have been made against the petitioners. She would further submit that as per the instructions, the charge-sheet has not been filed in this case.

3. Perusal of the FIR would show that the FIR has been lodged by Yashwant Sahu, who is also working in the Chhattisgarh Rajya Bal Adhikar Sanrakshan Ayog, for an incident happened on 20.08.2014. Even after going through the FIR it appears that it cannot be quashed at the initial stage to stop the investigation and what subsequent developments took place after 2014 it is also not clear. If the evidence collected do not make out the case against the petitioners then it would automatically die its natural death. Consequently, at this stage, this Court do not feel it expedient to go back for the incident of 2014 to give a finding on the FIR as prima facie allegations are attributed against the petitioners.
4. Accordingly, the petition stands dismissed. However, the petitioners shall be at liberty to raise their defense in a appropriate proceeding, if so advised.

Sd/-

Goutam Bhaduri
Judge

Ashu