

HIGH COURT OF CHHATTISGARH, BILASPUR**CRMP No. 1579 of 2018**

1. Krishnavatar Sharma S/o Late Jagdish Aged About 48 Years R/o Brahman Para, Champa District Chhattisgarh
2. Chavilal Sharma S/o Late Jagdish Aged About 58 Years R/o Adarsh Nagar, Kusmunda Distt. Korba Chhattisgarh

---- Petitioners**Versus**

- State Of Chhattisgarh Through P. S. Kotwali Korba Chhattisgarh

---- Respondent

For Petitioners	:	Shri Kishor Bharat and Shri Naveen Tiwari, Advocates
For Respondent/State	:	Shri SK Mishra, PL for the State

Hon'ble Shri Justice Goutam Bhaduri**Order On Board****09/08/2018**

1. Heard.
2. The present petition is for quashing the FIR dated 15.05.2003 in crime No.408/03 under Section 420/34 IPC.
3. Learned counsel for the petitioner submits that the petitioner No.1 was working as clerk in the Crystol Capital Company and petitioner No.2 who is the brother of petitioner No.1 against them without any rhyme or reason the offence has been registered. It is contended that after receiving the amount by the company fixed deposit was created and same is a part of record but same is not placed before the trial Court, which is conducting the trial. Therefore, there

are no chance that the petitioners may get fare justice in this case and the FIR be quashed.

4. Perused the FIR, made by Smt. Ansuiya W/o Pradeep Kumar, it shows that Chavilal Sharma the petitioner No.2 came to the house and allured that his brother, Krishnavatar Sharma is working with Crystol Credit Company, Korba and if she becomes the member, she will be get 14% annual interest on deposits made. Subsequently, on the different point of time Rs.1,85,000/- was deposited for which a receipt was given and the entry was made in the pass book. Subsequently, when she went to the Crystol Capital Company it was found that though the amount was given to the petitioners but they were not deposited in the account. The FIR is as back as dated 2003, at this stage quashing the FIR only on the mere submission of the petitioners would rather lead to injustice in view of the principles laid down in the case of **Chirag M. Pathak & Others V. Dollyben Kantilal Patel & Others {(2018) 1 SCC 330}**, wherein it has been held that the High Court in exercise of its powers under Section 482 Cr.P.C. cannot undertake a detailed examination of facts contained in the FIRs by acting as an appellate Court and draw its own conclusion.
5. After reading of the FIR I do not find it proper to quash the FIR. The petitioners are at liberty to raise all the grounds before the trial Court during the course of trial
6. Accordingly, the petition is dismissed.

Sd/-

Goutam Bhaduri
Judge

Ashu