

HIGH COURT OF CHHATTISGARH, BILASPUR**CRMP No. 459 of 2017**

Shri Deepak Dhamecha S/o Shri Rupchand Dhamecha, Aged About 30 Years R/o S. S. Green Colony Behind DDM School, Police Station Kotwali Korba, District- Korba, (C.G.)

---- Petitioner

Versus

1. State Of Chhattisgarh Through Officer In Charge Civil Lines, Police Station Civil Lines, Civil And Revenue District Raipur, Chhattisgarh.

2. Rekha Budhwani D/o Kanihiya Lal Budhwani Aged About 23 Years R/o Rani Road Korba, District- Korba, Chhattisgarh.

---- Respondents

For petitioner - Shri Ashutosh Shukla, Advocate.
For Respondent/State – Shri Suryakant Mishra, PL.
For Respondent No.2- Shri Sunil Otewani, Advocate.

Hon'ble Shri Justice Goutam Bhaduri**Order**

02/04/2018

Heard.

1. Instant petition is to quash the FIR dated 8/10/2015 lodged at Civil Lines, Raipur bearing number 0612 by respondent No.2.

2. Learned counsel for the petitioner would submit that initially false allegations were made before City Kotwali, Korba for which offence under section 354 of IPC was registered and charge sheet was filed. The first FIR was made on 24/07/2014. Subsequently again in order to malign the petitioner false FIR was made on 8/10/2015 and the contents and statement of the victim would reveal that she herself had went to meet the petitioner despite the fact that case under section 354 IPC was pending. It is submitted that entire allegations are false and the petitioner has also been given threat and despite the fact petitioner is attending all the dates, victim/prosecutrix is not attending dates to give her evidence which is

deliberate and the facts would reveal that second FIR is false.

3. Perusal of the second FIR dated 8/10/2015 which is sought to be quashed wherein allegations have been attributed against the petitioner. Statement also corroborate in the same line. Considering the fact at this stage this court cannot quash the second FIR only on the ground that initially one FIR was also registered in respect of the like nature of offence. Prima facie statement would show that allegations have been made. Therefore, at this stage in exercise of power under section 482 of Cr.P.C. this court cannot quash the FIR to appreciate the defence of the petitioner. It is for the petitioner to explore the truth during the cross examination and ultimately if it is found that false allegations were levelled against the petitioner, petitioner shall have all the right to take appropriate legal action against the complainant, if so advised. At this stage no interference can be made.

4. Accordingly, the petition is dismissed.

Sd/-

(Goutam Bhaduri)

JUDGE