

NAFR

HIGH COURT OF CHHATTISGARH, BILASPUR

CRMP No. 1778 of 2018

Rampratap Kashyap (Kaushil) S/o Late Jhamun Kashyap (Kaushil) Aged About 63 Years R/o Village Semariya, P. S. Birra, Tahsil Champa, District Janjgir Champa Chhattisgarh

---- Petitioner

Versus

1. State Of Chhattisgarh Through The Station House Officer, Police Station Birra, District Janjgir Champa Chhattisgarh, District : Janjgir-Champa, Chhattisgarh
2. Jitendra Kashyap S/o Rampratap Kashyap Aged About 22 Years R/o Semariya School Para, P. S. Birra, Tahsil Champa, District Janjgir Champa Chhattisgarh, District : Janjgir-Champa, Chhattisgarh
3. Superintendent Of Police Janjgir, District Janjgir-Champa Chhattisgarh, District : Janjgir-Champa, Chhattisgarh

---- Respondents

For Petitioner	:	Shri Suresh Kumar Verma, Advocate
For State	:	Shri Ashish Shukla, Govt. Advocate

S.B. : Hon'ble Shri Justice Manindra Mohan Shrivastava

Order On Board

30/08/2018

Heard.

1. This petition has been filed by the petitioner seeking quashing of FIR dated 25th June 2018.
2. Learned counsel for the petitioner submits that in the matter of dispute between the father and son, counter reports have been made from both the sides. Earlier, the father had lodged report on which police did not take any action in the background that dispute relates to use of property within the family. However, on the report of respondent No.2, the police has registered offence against the petitioner which is an abuse of the process of law.
3. The FIR itself narrates that in the presence of number of persons, the

petitioner assaulted Jitendra, his own son, so much so that he sustained two injuries on his head and started bleeding and has also sustained injury in his wrist. It was also alleged that threat of life and abuse were also given and that number of persons have seen the incident.

4. In the absence of there being any specific averment in the petition that the complainant did not receive any injury whatsoever and the complaint is absolutely false and fabricated, on the basis of the allegation, no case for quashing FIR is made out.
5. The petition is accordingly dismissed.
6. It is made clear that the observations are limited only to decide whether or not at this stage this Court is required to interfere. The matter will be required to be investigated by the competent authority in accordance with the law.

Sd/-
(Manindra Mohan Shrivastava)
Judge