

HIGH COURT OF CHHATTISGARH, BILASPUR

CRMP No. 325 of 2015

Narendra Kumar Upadhyay S/o Late G.P. Upadhyay Aged About 49
Years President, Prachi Shikshan Samiti, Stadium Road, Kota, P.S.
- Saraswati Nagar, Civ And Rev Distt. Raipur Chhattisgarh

---- Petitioner

Versus

1. Ramesh Kumar Shrivastava, S/o D.P. Sharma R/o Near Sai Darbar,
Tulsipur, P.S. Civil Lines, Civ And Rev Distt. Rajnandgaon
Chhattisgarh
2. State Of Chhattisgarh, Through Distt. Majistrate, Distt. Raipur
Chhattisgarh

---- Respondents

For petitioner- Shri J.K. Gupta, Advocate.
For Respondent No.1– Shri D.C. Verma, Advocate.

Hon'ble Shri Justice Goutam Bhaduri

Order

25/04/2018

Heard.

1. Instant petition is against the order dated 30/08/2014 passed in Criminal Revision No.327/2012 by the 6th Additional Sessions Judge, Raipur. By such order learned court below had affirmed the order dated 28/08/2012 passed by the JMFC wherein complaint preferred by the petitioner under section 200 of Cr.P.C. was dismissed.
2. Perusal of order of both the court below would show that suit for specific performance was pending before the Additional District Judge wherein allegation have been made that certain documents which have been produced in civil suit are forged. Allegation that the agreement was forged is also alleged when civil suit was pending in respect of the specific performance of the suit. Both the court below has held that document which is said to be forged are pending adjudication before the competent civil court, therefore on a complaint filed by the petitioner

it cannot be branded to be fabricated. During the course of argument parties submit that suit is still pending.

3. In view of this, I do not find any illegality in dismissal of the complaint by both the court below which warrants any interference under section 482 of Cr.P.C. to reappreciate the fact and call for the evidence. Accordingly, petition has no merit and it is dismissed.

Sd/-

(Goutam Bhaduri)

JUDGE