

NAFR

HIGH COURT OF CHHATTISGARH, BILASPUR**CRMP No. 804 of 2015**

1. Balwant Mohabia S/o Late Pushplal Aged About 45 Years R/o Ward No. 05, Gunderdehi, District - Balod, Chhattisgarh
2. Bhuneshwar Mohabia S/o Late Pushplal Aged About 45 Years R/o Ward No. 05, Gunderdehi, District - Balod, Chhattisgarh
3. Kishor Kumar Agrawal S/o Purendra Kumar Agrawal Aged About 55 Years R/o Jain Tempel Road, Durg, Chhattisgarh

---- Petitioners**Versus**

1. State of Chhattisgarh Through District Magistrate - Balod, District - Balod, Chhattisgarh
2. Sanat Gupta S/o Gulabchand, Aged About 45 Years R/o Gulab Market, Gunderdehi, District - Durg, Chhattisgarh

---- Respondents

For Petitioners	:	Shri Jitendra Gupta, Advocate
For Respondent No.1/State	:	Shri Ashish Shukla, Dy. AG for the State
For Respondent No.2	:	Ms. Madhulika Jha, Advocate

Hon'ble Shri Justice Goutam Bhaduri**Order On Board****23/01/2018**

1. Heard.
2. The instant petition is against the order dated 12.03.2015, whereby the order dated 05.09.2012 passed by the JMFC, Gunderdehi was affirmed.
3. By the initial order of 05.09.2012 on an application filed by respondent No.2, the learned Magistrate has directed to investigate the matter and after registration of the FIR by invoking the provisions contained under Section

156 (3) of the Cr.P.C. the final report is being directed to be placed before the Court. As per the law laid down in the matter of ***HDFC Securities Ltd. and others Vs. State of Maharashtra and another {AIR 2017 SC 61}*** wherein it has been held that the stage of cognizance would arise only after investigation report is filed before Magistrate. Order directing investigation not causing an injury of irreparable nature cannot be quashed being premature in nature.

4. Consider the above principle laid down by the Supreme Court since the order under challenge primarily revolves around a direction for investigation, it cannot be stated to have caused any irreparable loss or injury. In a result, the petition appears to be premature in nature. It is accordingly dismissed. However, the petitioner shall be at liberty to challenge the proceeding, if so advised, after the final report is filed.

Sd/-

Goutam Bhaduri

Judge

Ashu