

HIGH COURT OF CHHATTISGARH, BILASPUR**CRMP No. 1842 of 2018**

- Rakesh Dubey S/o Shri Kanhaiya Lal Dubey Aged About 54 Years R/o- Ward No. 15, Naya Para Bemetara, District- Bemetara, Chhattisgarh., District : Bemetara, Chhattisgarh

---- Petitioner**Versus**

1. State Of Chhattisgarh Through- District Magistrate, Bemetara, District- Bemetara, Chhattisgarh., District : Bemetara, Chhattisgarh
2. Station House Officer Bemetara, District- Bemetara, Chhattisgarh., District : Bemetara, Chhattisgarh
3. Deputy Registrar Cooperative Societies Bemetara, District- Bemetara, Chhattisgarh., District : Bemetara, Chhattisgarh
4. Shri B.L. Rana (Special Auditor) Senior Cooperative Inspector, Office Of Deputy Registrar Cooperative Society, Bemetara, Chhattisgarh., District : Bemetara, Chhattisgarh
5. Nodal Officer District Cooperative Central Bank Limited, Durg, District- Durg, Chhattisgarh., District : Durg, Chhattisgarh

---- Respondents**PRESENT:-**

Shri T.K. Jha, counsel for petitioner/s.

Shri Chandresh Shrivastava, Panel Lawyer for State.

Hon'ble Shri Justice Manindra Mohan Shrivastava**Order On Board****12/09/2018**

1. By this petition, the petitioner has prayed for quashing of FIR dated 02-08-2018 (Annexure P-1) lodged against him and another accused.
2. Learned counsel for the petitioner argued that the FIR against the petitioner has been lodged without proper enquiry with regard to alleged shortage of paddy in Paddy Procurement Centre, Khairjiti. It is submitted that merely because, the petitioner happens to be Incharge in Paddy Procurement Centre as also on the basis of the Audit Report, it could not be said to be prima facie case of petitioner involved in cheating and

misappropriation. He would submit that the petitioner ought to have been given proper opportunity of hearing by the Department of Co-operative and the Enquiry Officer and only upon proper enquiry, FIR ought to be registered.

3. After going through the material on record, I find that the allegation against the petitioner is that during the period, the petitioner remained posted as Incharge of Paddy Procurement Centre, Khairjithi, during the period 2014-15, the paddy worth Rs.71,966.15 was found short and the report further shows that certain enquiry were made and reports were obtained. In the considered opinion of this Court, the aforesaid material was sufficient to register the FIR against the petitioner. The FIR regarding commission of cognizable offence, contained the complete details of each and every material collected by the police before registering FIR. If the FIR based on the complaint alleging commission of cognizable offence, it would be within the authority of the police to register the criminal case.

4. In view of above, no case of interference is made out. Before parting with the case, it is made clear that the observations have been made only for the limited purpose of finding out whether a case for interference is made out or not. The investigation shall be carried out without being influenced by these observations.

5. In the result, the petition is dismissed.

SD/-
(**Manindra Mohan Shrivastava**)
J U D G E