

HIGH COURT OF CHHATTISGARH, BILASPUR**CRMP No. 51 of 2018**

- Purshottam Kabra S/o Late Ramgopal Aged About 30 Years R/o / Office Of At Janpad Panchayat Bagbahra, Tahsil Bagbahra, Distt. Mahasamund Chhattisgarh

---- Petitioner**Versus**

1. The State Of Chhattisgarh Through The Secretary Department Of Home Affair, New Mantralaya, New Raipur Chhattisgarh
2. The Director General Of Police Police Head Quarter Raipur Chhattisgarh
3. The Superintendent Of Police Distt. Mahasamund Chhattisgarh
4. The Station House Officer, Police Station Bagbahra, Distt. Mahasamund Chhattisgarh
5. The Janpad Panchayat Bagbahra, Through The Chief Executive Officer, Bagbahra, Distt. Mahasamund Chhattisgarh
6. The Zila Panchayat Mahasamund, Through The Chief Executive Officer, Mahasamund Chhattisgarh

---- Respondents

For Petitioner	:	Shri V.K. Pandey, Advocate
For Respondent/State	:	Shri Ghanshyam Patel, GA for the State

Hon'ble Shri Justice Goutam Bhaduri**Order On Board****10/01/2019**

1. Heard.
2. The present petition is for quashment of the FIR registered against the petitioner bearing No.147/2016 dated 01.08.2016, wherein the charge-sheet

has been filed.

3. Learned counsel for the petitioner submits that the FIR pertains to the fact that the petitioner while was working as Assistant Development Extension Officer, Janpad Panchayat, Baghbahara, allowed the disbursement of the installment of the Indira Awas Yojna though they were not completed and the installments were released dehorring the rules in connivance with the other officers of the Janpad Panchayat in the year 2012-13.
4. Learned counsel for the petitioner submits that during the enquiry, the department found that the present petitioner was not at all present at the time of alleged offence for which an enquiry was conducted and during the course of hearing in the anticipatory bail application this fact was also reiterated by the State that the present applicant was not posted at the relevant time, the same is also fortified by the Annexure P-2.
5. Learned State counsel is not able to dispute the fact about the contents of Annexure P-2.
6. Perused the Annexure P-2. In the relevant paragraph it records that Purushottam Kabra was appointed on 26.12.2012 as Assistant Development Extension Officer at Janpad Panchayat, Baghbaraha at the relevant time under the Forest Land Right Special Scheme in the year 2012-13 at the time of grant of Indira Housing (wherein two times the house was allotted to one beneficiary) at that time Purushottam Kabra was not appointed as Assistant Development Extension Officer and at the relevant time when again the installment was paid

Purushottam Kabra was not discharging the work which could be reflected by letter dated 16.10.2013. During the course of hearing of anticipatory bail, this fact was also fortified which finds place at para 5 of the order of anticipatory bail application bearing M.Cr.C.A. No.1039 of 2018, the same is placed on record. In view of this, it appears that the charge-sheet and the FIR was lodged wrongly against the present petitioner as according to the State itself, the petitioner was not at all involved in the crime. Consequently, the proceedings against the petitioner in criminal case No.5-2116/2-016-17 which emanated from the FIR No.147/2016 dated 01.08.2016 registered at Police Station Bagbahara, is hereby quashed.

7. Accordingly, the petition stands allowed.

Sd/-

Goutam Bhaduri
Judge

Ashu