

HIGH COURT OF CHHATTISGARH, BILASPUR**WPCR No. 158 of 2019**

- Jagannath Yadav S/o Shri Biligram Yadav (Wrongly Written Buling Ram Yadav)
Aged About 24 Years R/o Kalika Nagar Tifra Bilaspur , Police Station Sirgitti
Bilaspur Tahsil And District Bilaspur Chhattisgarh

---- Petitioner**Versus**

1. State of Chhattisgarh Through The Secretary, Home Department , Mantralaya,
Mahanadi Bhawan Atal Nagar, District Raipur Chhattisgarh
2. Superintendent Of Police , Ambikapur District Ambikapur Chhattisgarh
3. Station House Officer, Police Station Ambikapur District Ambikapur
Chhattisgarh
4. Sarita Pandey (Complainant) D/o Late Keshv Pandey, Aged About 40 Years
R/o Bramhanpara, Near Of Shriram Hospital Ambikapur, Police Station
Ambikapur District Ambikapur Sarguja Chhattisgarh
5. Vishal Dubey (Main Accused) S/o Shri Uttam Dubey, Aged About 26 Years R/o
Kali Villa Kalika Nagar Tifra Bilaspur , Police Station Sirgitti Bilaspur Tahsil And
District Bilaspur Chhattisgarh
6. Shailesh Kashyap Aged About 24 Years, R/o Tifra Bilaspur Police Station Sirgitti
Bilaspur Tahsil And District Bilaspur Chhattisgarh
7. Maheshwar Pratap Singh Aged About 30 Years, R/o Tifra Bilaspur, Police
Station Sirgitti Bilaspur Tahsil And District Bilaspur Chhattisgarh
8. Anju Manjari @ Anju Manjariya, Aged About 22 Years, Nurse (G-Nm Trainee)
R/o Tifra Bilaspur, Police Station Sirgitti Bilaspur Tahsil And District Bilaspur
Chhattisgarh

---- Respondents

For Petitioner : Shri Vijay K. Deshmukh, Advocate

For Respondents/State : Shri Akash Pandey, PL

Hon'ble Shri Justice Goutam Bhaduri**Order On Board**

12/03/2019

1. Heard.
2. The present petition is to quash the FIR against the petitioner. A complaint was lodged by one Sarita Pandey that one Vishal Dubey came in contact with her through facebook, thereafter, on the promise to perform marriage on different points of time received the amount of Rs.18,26,000/- and the amount was paid in part and parcel. It is alleged that the amount of Rs.5 Lakhs was deposited in the account of the present petitioner on different dates, which he withdrew.
3. Learned counsel for the petitioner would submit that the petitioner is a student and neighbor of Vishal Dubey and there is no mens rea of the petitioner as he only tried to help his friend and took out the money and given the same to the main accused namely Vishal Dubey, therefore, there was no involvement of the petitioner in the commission of the crime, as such the FIR lodged against the petitioner may be quashed.
4. Perusal of the FIR would show that an amount of Rs.5 Lakhs in installments was deposited in the account of the petitioner. What was the mens rea of the petitioner to commit the offence cannot be adjudicated at this stage by simply reading the FIR, it is to be tested during the course of trial. The acceptance of the version of the petitioner would amount to acceptance of defence to acquit him at the threshold.
5. The petition has no merit. It is accordingly dismissed.

Sd/-
Goutam Bhaduri
Judge

Ashu