

HIGH COURT OF CHHATTISGARH, BILASPUR**CRMP No. 651 of 2018**

Dinesh Bharti, S/o. Late Manharanlal Bharti, Aged About 45 Years, R/o. Village Masturi (Pachpedi), Police Station Pachpedi, District Bilaspur, Chhattisgarh.

---- **Petitioner**

Versus

1. State Of Chhattisgarh, Through Station House Officer, Police Station Sarkanda, Civil & Revenue District Bilaspur, Chhattisgarh.
2. Vijay Pratap, S/o. Anjore Das, Aged About 33 Years, R/o. Sendry, Tahsil & District Bilaspur, Chhattisgarh.

---- **Respondents**

For Petitioner	:	Shri Kaushal Yadav, Advocate
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For State	:	Shri Akash Pandey, Panel Lawyer
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Hon'ble Shri Justice Goutam Bhaduri

Order On Board

12.03.2019

Heard.

1. The present petition is for quashing the FIR No.288/2017 dated 21.04.2017 registered at Police Station Sarkanda, Bilaspur, for the offence under Section 420 read with Section 34 of Indian Penal Code against the Society named and styled as Krishi Avam Pashupalan Sahakari Samiti Maryadit.
2. It is contended on behalf of the petitioner that the petitioner was at some point of time holding the post of President and as per the scheme of the Cooperative Society, the members were to deposit the money to form a Cooperative Society out of which the loan was to be provided on a different scheme. It is stated that the complainant was also member in the Cooperative Society and if there is any breach it will not form an offence under the I.P.C. as no criminality can be attached and the members if any is aggrieved can redress his prayer under the provisions

of Cooperative Societies Act. Therefore, the FIR itself is devoid of any force and needs to be quashed.

3. Perused the FIR. Perusal of the FIR would show that certain persons made deposit in the Society were asked to deposit the money in the Society in lieu of getting the employment, however, subsequently the employment was not provided to them; therefore fraud has been committed. The very tenure of the complaint made that a person in order to seek the employment in the Cooperative Society would deposit the money in Society. This Court is unable to understand the nature of complaint that the persons after depositing the money would get the employment were not provided and what was the terms of the promise made is to be investigated. The role of the petitioner at this stage that he has resigned or was not in the helm of affair can be only come to fore after investigation is conducted.
4. In view of the above, the petition has no merit and accordingly is dismissed.

Sd/-
Goutam Bhaduri
Judge