

HIGH COURT OF CHHATTISGARH, BILASPUR

WPCR No. 389 of 2017

Prince Kumar Nagpal S/o Shri Suresh Kumar Nagpal Aged About 32 Years R/o Basant Villa, T - 4, Shriram Nagar, Phase - I I, Police Station Pandri, Civil & Revenue District Raipur Chhattisgarh.

--- Petitioner

Versus

1. State of Chhattisgarh through Secretary, Home Department, Mahanadi Bhavan, New Raipur Civil and Revenue District Raipur Chhattisgarh.
2. Inspector General of Police Range, Raipur, Civil & Revenue District Raipur Chhattisgarh.
3. Superintendant of Police, Raipur, Civil & Revenue District Raipur Chhattisgarh.
4. Station House Officer, Police Station Civil Line Raipur, Civil & Revenue District Raipur Chhattisgarh.
5. Shikha Nagpal Alias Shikha Sharma, W/o Prince Kumar Nagpal, Aged About 33 Years R/o Vimal Talkies Road, Risaipara, Police Station Kotwali, Civil & Revenue District Dhamtari Chhattisgarh. ---

Respondents

For the petitioner : Prince Kumar Nagpal in person

For the State : Ms. Shivali Dubey, Panel Lawyer

Hon'ble Shri Justice Goutam Bhaduri

Order on Board

19.02.2019

1. By this writ petition filed under Article 226 of the Constitution of India, the petitioner seeks a direction commanding respondents 1 to 5 to register FIR against respondent No.5 Shikha Sharma who was married to the present petitioner.
2. It is contended by the petitioner that an offence u/s 498-A, 406 read with section 34 of IPC was registered on a report made by respondent No.5 against the petitioner and his family members and during the investigation of the case on

a complaint made by the wife, certain forged bills were produced by the wife and on the basis of which the Court has taken cognizance and the charges have been framed. It is contended that since the bills are forged, the FIR be registered against respondent No.5.

3. In such facts situation of the case, if the petitioner as it appears is still facing trial u/s 498-A & 406 read with section 34 of IPC and if certain bills which are alleged to be forged are seized with the trial u/s 498-A, it is for the prosecution and the petitioner to prove the authenticity of those bills during the course of trial.
4. At this stage, if certain direction is issued to register FIR against respondent No.5 accepting the version of the petitioner then it will vitiate the trial being conducted by the trial Court pursuant to the complaint made by the wife/respondent No.5. The petitioner shall have liberty to place the evidence before the Court to prove those facts that certain bills which were produced by respondent No.5 were forged on which the cognizance was taken.
5. With the above observation, the petition is disposed of.

Sd/-

GOUTAM BHADURI
JUDGE