

HIGH COURT OF CHHATTISGARH, BILASPUR

W.P.(Cr.) No. 241 of 2019

- Krishan Kumar Sharma S/o Late N.R. Sharma Aged About 54 Years R/o Village Bhilai, Post Balodaa, P.S. And Tahsil Balodaa, District Janjgir Champa Chhattisgarh

---- Petitioner

Versus

1. State Of Chhattisgarh Through Department Of Home (Police), Mantralaya, Naya Raipur District Raipur Chhattisgarh
2. State Of Chhattisgarh Through Inspector General Of Police Rang, Bilaspur District Bilaspur Chhattisgarh
3. State Of Chhattisgarh Through Superintendent Of Police, District Janjgir Champa Chhattisgarh
4. State Of Chhattisgarh Through The Station House Officer, Police Station Balodaa, District Janjgir Champa Chhattisgarh

---- Respondents

For Petitioner : Mr. Hemant Gupta, Advocate.

For State/respondents : Mr. Ghanshyam Patel, G.A.

Hon'ble Shri Justice Rajendra Chandra Singh Samant

Order on Board

29-08-2019

Heard.

1. This petition has been brought for praying for issuance of appropriate writ and directions.
2. Learned counsel for the petitioner submits that the F.I.R. has been lodged against the petitioner is totally without any substance and no offence is made out against the petitioner. In fact, it had been a dispute regarding partition regarding which documents are filed and also a civil suit was filed by the complainant- Damodar Prasad Sharma against this applicant in the year 2014 which ended in a compromise. Therefore, the complaint against the applicant is purely with respect to a civil dispute. Hence, it is prayed that petition be admitted for final hearing.

3. Learned counsel for the respondents submits that the allegation against the petitioner are of very serious nature that he faked a death certificate of the complainant- Damodar Prasad Sharma, while he was alive in the year 2015 and thereafter he got the property mutated in favour of the complainant's legal representatives, which was sold by the petitioner and the amount was misappropriated by him. Thereafter, Damodar Prasad Sharma filed a proceeding before the Court of Sub-Divisional Office, Janjgir-Champa, in which the petitioner forged the signature of complainant- Damodar Prasad Sharma regarding a compromise in that case. Therefore, allegations that are made against the petitioner need investigation.
4. Heard learned counsel for both the parties and perused the documents.
5. Considered on the submissions made by the learned counsel for both the parties and on perusal of the copy of F.I.R., it is found that the complainant- Damodar Prasad Sharma is still alive and there are allegations that on the basis of a fake death certificate, he was shown dead. Mutation was recorded and the petitioner was the person, who was benefited. Thereafter, the proceeding before S.D.O, Janjgir-Champa then terminated and compromise is also challenged by the complainant that his signatures were forged by the petitioner and further it can be said that there is substance in complaint which is needed to be investigated. Therefore, I do not find any substance in this petition for entertainment for grant of any constitutional remedy. Therefore, the petition is dismissed at motion stage.

Sd/-
(Rajendra Chandra Singh Samant)
Judge