

AFR**HIGH COURT OF CHHATTISGARH, BILASPUR****RESERVED ON 15-7-2019****DELIVERED ON 17-7-2019****CRMP No. 1081 of 2019**

- Vikram Sahu S/o Late Bisheshar Sahu Aged About 60 Years R/o Ward No. 09 Bhakhara, Police Station Kurud, District Dhamtari CG

---- Petitioner**Versus**

1. Budharu Ram S/o Kislal Sahu Aged About 63 Years President Of Sahu Samaj Bhakhara,
2. Dilip Kumar S/o Dayaram Sahu Aged About 32 Years Secretary Of Sahu Samaj Bhakhara,
3. Devendra Kumar S/o Rambaran Sahu (Now Died)
4. Bhupendra Kumar S/o Devendra Sahu Aged About 35 Years Executive Member Of Sahu Samaj Bhakhara
5. Jhaman Lal Sahu S/o Punit Ram Sahu Aged About 35 Years Secretary Of Region Sahu Samaj Bhakhara
6. Khub Lal S/o Late Nammu Sahu Aged About 50 Years Member Of Sahu Samaj Bhakhara
7. Pawan Kumar S/o Punarad Sahu Aged About 45 Years Member Of Sahu Samaj Bhakhara
8. Manak Lal S/o Late Chandulal Sahu Aged About 65 Years Member of Sahu Samaj Bhakhara,
9. Giriraj S/o Tanik Ram Sahu Aged About 45 Years Par Pramukh Of Sahu Samaj Bhakhara

All , R/o Village Bhakhara, District Dhamtari Chhattisgarh

10. State Of Chhattisgarh Through The Judicial Magistrate, Kurud, District Dhamtari CG

---- Respondents

For petitioner	:	Mr. Basant kaiwartya, Adv.
For R-10	:	Mr. Vikram Dixit, Govt. Adv.

Hon'ble Shri Sharad Kumar Gupta, Judge**CAV ORDER**

1. Petitioner has preferred this CRMP under Section 482 of the Code of Criminal Procedure (in brevity Cr.P.C.) for directing the JMFC Kurud to dispose of the Criminal Case No. 634/2015 within 2 months.
2. In brief petitioner's case is that he had filed a complaint on 25-6-2014 under Sections 383, 384, 499, 500 of the IPC against the respondents No. 1 to 9. Five years have passed but the complaint case

is not disposed of yet now.

3. Counsel for the petitioner argued that he had taken orally prayed to dispose of the matter urgently but the concerned JMFC had not considered his objection.

4. Govt. Advocate submitted that no illegality is made out from the proceedings of JMFC concerned.

5. In **Parbatbhai Aahir v. State of Gujarat**, [(2017) 9 SCC 641], again the Hon'ble Supreme Court has had an occasion to consider whether the High Court can quash the FIR/complaint/criminal proceedings, in exercise of the inherent jurisdiction under Section 482 CrPC. Considering a catena of decisions on the point, the Hon'ble Supreme Court summarised the following propositions:

“(1) Section 482 CrPC preserves the inherent powers of the High Court to prevent an abuse of the process of any court or to secure the ends of justice. The provision does not confer new powers. It only recognises and preserves powers which inhere in the High Court.

(2) xxx xxx xxx

(3) In forming an opinion whether a criminal proceeding or complaint should be quashed in exercise of its jurisdiction under Section 482, the High Court must evaluate whether the ends of justice would justify the exercise of the inherent power.

(4) While the inherent power of the High Court has a wide ambit and plenitude it has to be exercised (i) to secure the ends of justice, or (ii) to prevent an abuse of the process of any court.

(5) xxx xxx xxx

(6) xxx xxx xxx

(7) xxx xxx xxx

(8) xxx xxx xxx

(9) xxx xxx xxx

(10) xxx xxx xxx

6. In the matter of **Narinder Singh v. State of Punjab** [(2014) 6 SCC 466], after considering the decision in **Gian Singh v. State of Punjab**,[(2012) 10 SCC 303], in para 29.1, Their Lordships summed up as under:

“29.1. Power conferred under Section 482 of the Code is to be distinguished from the power which lies in the Court to compound the offences under Section 320 of the Code. No doubt, under Section 482 of the Code, the High Court has inherent power to quash the criminal proceedings even in those cases which are not compoundable, where the parties have settled the matter

between themselves. However, this power is to be exercised sparingly and with caution.”

7. Certified copies of the order sheets filed by the petitioner show that he himself had taken adjournment in number of dates. He had not filed any application before the trial Court praying that matter may be heard expeditiously. He could have produced his entire witnesses before the trial Court on the date given by the trial Court.

8. In the case in hand, it does not appear that there is an abuse of process in the proceedings of JMFC, Kurud or intervention is necessary to secure ends of justice. Thus, looking to the aforesaid judicial precedents laid down by Hon'ble Supreme Court in the matters of **Parbatbhai Aahir** (supra) and **Narinder Singh** (supra), this court finds that on the ground of abuse of process and to secure ends of justice, this Court cannot intervene in the matter which is pending before the JMFC, Kurud.

9. Looking to the above mentioned facts and circumstances of the case, this Court finds that it is not a fit case where the extra ordinary jurisdiction of Section 482, Cr.P.C. be invoked which is invoked sparingly with care and circumspection. Consequently, the instant CRMP is dismissed at motion stage without entertaining it for final hearing.

Sd/-
Sharad Kumar Gupta
Judge