

HIGH COURT OF CHHATTISGARH, BILASPUR**CRMP No. 962 of 2019**

Radheshyam Dhakate S/o Late Shri Ramlal Dhakate, aged about 43 years,
R/o Thanapara, Champa Post & Tehsil- Champa, District- Janjgir- Champa
C.G.

---- Petitioner/Applicant**Versus**

1. Banshidhar S/o Shri Dujram Dewangan, aged about 35 years, Caste-
Dewangan (Kostha) R/o Thanapara Champa Post & Tahsil- Champa,
District- Janjgir- Champa C.G. **---Non-applicant No. 1**

2. Smt. Brihaspati Bai W/o Shri Banshidhar Dewanga, Aged about 32 years,
Caste- Dewangan (Kostha) R/o Thanapara Champa, District- Janjgir
Champa C.G. **---Non-applicant No. 2**

3. Shyamlal S/o Shri Dujram Dewangan, aged about 31 years, Caste-
Dewangan (Kostha) R/o Thanapara Champa, Post & Tahsil- Champa, Post
& Tahsil- Champa, District- Janjgir- Champa C.G. **---Non-applicant No. 3**

4. State of Chhattisgarh, Through- the District Magistrate, District- Janjgir-
Champa C.G.

---Respondents

For Petitioner	:	Mr. Samir Singh, Advocate.
For Respondent No. 4/State	:	Mr. Priyank Rathi, P.L.

Hon'ble Shri Justice Sanjay K. Agrawal**Order On Board****16.04.2019**

1. The petitioner, herein, filed a criminal complaint under Section 200 of the Code of Criminal, 1973 alongwith an application under Section 156(3) of the CrPC against the respondent for commission of offences punishable under Sections 420, 384, 120B, 294, 500, 506B & 34 of the IPC, the learned Judicial Magistrate called for the report from the concerned Police Station and thereafter rejected the application

finding no merit and further held that since the complaint under Section 200 of the Code of Criminal has been filed by the petitioner was fixed for complainant's evidence which the complainant did not examine and challenged that order, which has been rejected, by the impugned order, against which CrMP has been filed.

2. Learned counsel for the petitioner would submit that both the Courts below are absolutely unjustified in rejecting the application filed under Section 156(3) of the CrPC.
3. I have heard learned counsel for the petitioner, considered his rival submissions made herein-above and went through the record with utmost circumspection.
4. The trial Magistrate has recorded sufficient finding to reject the application filed under Section 156(3) of the CrPC stating inter-alia that without recording the evidence of the complainant, alleged offences cannot be registered against the non-applicants, which is a finding of fact based on evidence available on record, in which I do not find any perversity or illegality warranting interference under Section 482 of the CrPC.
5. Accordingly, this CrMP is liable to be and is hereby dismissed.

Sd/-

(Sanjay K. Agrawal)
Judge