

HIGH COURT OF CHHATTISGARH, BILASPUR

W.P.(CR) No. 321 of 2018

Dinesh Agrawal, S/o. Bal Kishan Agrawal, Aged About 42 Years,
Occupation - Business, R/o. Barejpara, Ambikapur, P.S. & Tehsil
Ambikapur, District Sarguja, Chhattisgarh.

---- **Petitioner**

Versus

1. State Of Chhattisgarh, Through The Secretary, Department Of Home, Mantralaya, Mahanadi Bhawan, Naya Raipur, District Raipur Chhattisgarh.
2. The Superintendent Of Police Ambikapur - Sarguja, District Sarguja Chhattisgarh.
3. The Station House Officer, Police Station Ambikapur, District Sarguja Chhattisgarh.
4. Sunil Kumar Singh, S/o. R.P. Singh, Aged About 50 Years, R/o. In Front Of Yoshoda Lodge, Deviganj Road, Ambikapur, District Sarguja Chhattisgarh.

---- **Respondents**

For Petitioner	:	Mr. Rajkumar Pali, Advocate
For State/Respondents	:	Mr. Vaibhav A. Goverdhan, Panel Lawyer No.1 to 3.

Hon'ble Shri Justice Goutam Bhaduri

Order On Board

15.01.2019

Heard

1. The present petition is to lodged an FIR on a report made by the petitioner on the ground as has been alleged by the petitioner.
2. It has been stated that the petitioner has entered an agreement for purchase of land of plot No.1/1 admeasuring 0.10 acre situated at Navapara, Ambikapur for a sale consideration of Rs.45 Lakhs and in lieu thereof as an advance money from time to time 22 Lakhs was paid whereas as per the terms and condition Rs.23 Lakhs has to be paid at the time of registry. It was further agreed as per the petitioner that the land was nazul land and according to the agreement, the sale was to be executed after no objection is received from the department. It is stated that after receiving the

amount, the sale of the land was not executed and therefore a report was made on 02.082017 to the police but no report has been lodged.

3. Perusal of the report itself would show that it is out & out an agreement to sale a nazul land and certain terms in between the parties could not be complied, as such, the sale could not be made. The petitioner therefore had all efficacious remedy for filing the suit for specific performance. The FIR cannot be used as an arm twisting method to convert the suit for specific performance into a criminal act.
4. In view of the above, the petition is devoid of merit and accordingly is dismissed at the admission stage itself.

Sd/-
(Goutam Bhaduri)
Judge