

NAFR

HIGH COURT OF CHHATTISGARH, BILASPUR**CRMP No. 1398 of 2019**

- Premchand Sahu S/o Shri Amrit Lal Sahu Aged 28 Years R/o Ghotia Chouk, Jhalmala, Police Station And District Balod Chhattisgarh. (Proposed Accused)

---- Petitioner

Versus

1. Smt. Teej Bai Beva W/o Mr. Kanhiya Ram Aged About 50 Years R/o Gram Khertha, Police Station And Tehsil - Dondilohara, District Balod Chhattisgarh
2. Smt. Yashomati Prajapati D/o Mr. Yashwant Prajapati Aged About 27 Years R/o Gram - Khertha, Police Station And Tehsil - Dondilohara, District Balod Chhattisgarh
3. The State Of Chhattisgarh Through District Magistrate, Balod, District Balod Chhattisgarh. (Complainant)

---- Respondent

For Petitioner
For Respondent /State

Mr. Aayush Bhatia, Advocate
Mr. Aakash Pandey, Panel Lawyer

Order On Board By**Hon'ble Mr. Justice Prashant Kumar Mishra****24/6/2019**

1. Heard.
2. The petitioner happens to be an Excise Sub Inspector. While he had entered the house of the complainant in connection with search for illicit liquor, he has allegedly outraged the modesty of the complainant and has caused simple hurt to her. Despite several complaints to the Police made by the complainant, no action was taken, therefore, a private complaint was filed, in which, the Magistrate took cognizance vide order dated

25.5.2018. Challenging the said action of taking cognizance in the matter, the petitioner preferred a Revision Application, which has been dismissed by the First Additional Sessions Judge, Balod.

3. It is argued that an absolutely false, malicious and vexatious complaint has been filed against the petitioner only for the reason that he had gone to conduct raid in the complainant's house, as there was information that she is involved in illegal trafficking of country made liquor.
4. That fact that the lady has filed several complaints to the Police for taking action against the petitioner is not in dispute. A private complaint has also been filed, which will be proved or will fail depending upon the nature of evidence recorded in the course of trial.
5. For the present, this Court is confronted with the contents of the complaint and the statement of the petitioner against each other.
6. In jurisdiction under Section 482 of Cr.PC, this Court cannot examine the validity or truthfulness of the stand taken by one of the warring parties. Further, it is not a case where the complaint is barred under some law or is apparently false in nature.
7. No case for quashing the private complaint is made out.
8. The CRMP is dismissed.

Sd/-

(Prashant Kumar Mishra)

Judge

Shyna

