

NAFR

HIGH COURT OF CHHATTISGARH, BILASPUR

CRMP No. 1422 of 2019

- Gautam Lamba, S/o Late Gurljeet Kumar Lamba, Aged About 30 Years, R/o Usha Hights Shrikant Verma Marg, Police Station Tarbahar, Tahsil and District Bilaspur, Chhattisgarh

---- Petitioner

Versus

1. State Of Chhattisgarh Through Station House Officer, Police Station Civil Lines Bilaspur, District Bilaspur, Chhattisgarh
2. Priya Vidhani, D/o Sachchanand Vidhani Aged About 34 Years R/o Torwa Naka, Gurunanak Chowk, Police Station Torwa, District Bilaspur, Chhattisgarh

---- Respondents

For Petitioner
For Respondent-State

Shri D. Kushwaha, Advocate
Shri Anant Bajpai, PL

Hon'ble Justice Mr. Prashant Kumar Mishra

Order On Board

26/06/2019

1. The present is a petition under Section 482 of CrPC for quashing of the charge sheet of Crime No.773/2016, registered at Police Station Civil Lines, Bilaspur, for which Criminal Case No.3593/2018 is pending before the JMFC, Bilaspur.
2. The FIR was lodged on 03.12.2016 alleging that the petitioner has retained the mobile set of the complainant and has also taken a sum of Rs.2.5 Lakhs but is not returning the same and has subsequently started threatening, abusing and criminally intimidating the complainant.

3. The charge sheet has been filed in August, 2018. The matter is pending trial before the JMFC, Bilaspur. At this stage of the proceedings, it is difficult to record a finding as to the truthfulness or otherwise of the complaint case.
4. In the matter of **Tilly Gifford vs Michael Floyd Eshwar and another**, reported in (2018) 11 SCC 205, the Supreme Court has held that interference with investigation or in the criminal proceedings should not be made and the power under Section 482 of CrPC should be exercised sparingly, in rare cases when the prosecution is barred under any law or the complaint is *ex facie* frivolous, malafide and vexatious.
5. Considering the nature of allegation and the matter available in the charge sheet, the present is not found to be a fit case for quashing the charges, therefore, the petition under Section 482 of CrPC deserves to be and is hereby dismissed.

Sd/-
Prashant Kumar Mishra
Judge

Nirala