

HIGH COURT OF CHHATTISGARH, BILASPUR

CRMP No. 1601 of 2018

Narendra Kumar Chandrakar, S/o. Late Kedarnath Chandrakar, Aged About 67 Years, R/o. Shivaji Nagar, Ward No. 8, Kohaka, Bhilai, District Durg, Chhattisgarh.

---- Petitioner

Versus

1. State Of Chhattisgarh, Through Station House Officer, Police Station Supela, District Durg, Chhattisgarh.
2. Shashikant Sharma, S/o. Late Shri Jagmohan Sharma, Aged About 62 Years, R/o. B-7, Sector-1, Avanti Vihar Colony, Raipur, District- Raipur, Chhattisgarh.

---- Respondents

For Petitioner	:	Mr. Tarun Dansena, Advocate
For State	:	Mr. R.K.Bhagat, Dy. Govt. Advocate

Hon'ble Shri Justice Goutam Bhaduri

Order On Board

08.03.2019

Heard

1. The present petition is to quash the FIR dated 05.06.2018 registered at Police Station- Supela, District Durg (C.G.).
2. The FIR was lodged by the respondent No.2 on the ground that the present petitioner shown himself to be owner of Khasra No. Old 293/2 and New 2628 & 2935, which is situated at Gandhi Nagar, Kohka, Bhilai, District Durg entered into an agreement of sale and out of the sale consideration received Rs.15 Lakhs in two parts. The sale deed was to be executed by 31.12.2017, however, since the sale deed was not executed when the complainant wanted back the money, the petitioner did not return it. Subsequently, when the enquiry was made, it revealed that the land which was agreed to be sold do not belong to the petitioner as the land is neither been numbered and the land is registered in

name of Bhilai Grih Nirman Sahakari Samiti Maitri Nagar and name of different persons are recorded, therefore, the FIR with respect to the fact that despite the petitioner was not owner has entered into sale of the land and received the amount.

3. Learned counsel for the petitioner would submit that another sale deed was executed which was property dispute *inter se* between the parties and civil suit was also pending and in order to pressurize the petitioner, the FIR has been lodged.
4. Perusal of the copy of the sale deed shows that it was in respect of the another land bearing Khasra No.2635/1 not of 2628 & 2935 which was subject of agreement of sale for which the sale consideration was made. Taking into the factual aspect of this case, quashing the FIR would amount to exonerate the petitioner who has received the amount. Prima facie the nature of allegation requires that the trial has to be gone into and the FIR cannot be quashed at the threshold.
5. Accordingly, the petition has no merit and is dismissed.

Sd/-
(Goutam Bhaduri)
Judge