

NAFR

HIGH COURT OF CHHATTISGARH, BILASPUR

W.P.(CR.) No. 658 of 2019

Murari Lal Agrawal, S/o. Late Shri Rameshwar Lal Agrawal, Aged About 70 Years, R/o. Doctor Ahuja Clinic, Building Mall Chowk, Jawahar Nagar, Raipur, District Raipur Chhattisgarh Police Station Maudhapara, District : Raipur, Chhattisgarh.

---- Petitioner

Versus

1. State of Chhattisgarh, Through : Station House Officer, Police Station Maudhapara, Raipur, District Raipur, Chhattisgarh.
2. Priti Jain, W/o. Sanjay Jain, A310, Sadar Bazar, Jabalpur, District Jabalpur, Madhya Pradesh.

-----Respondents

For Petitioner	: Mr. Bhavesh Acharya, Advocate
For Respondent/State	: Mr. Sanjay Pathak, P.L.

Hon'ble Shri Justice Rajendra Chandra Singh Samant

Order On Board

14/08/2019

Heard on admission.

1. The instant petition under Article 226 of Constitution of India has been filed for quashing of FIR and the entire proceedings against the petitioner.
2. It is submitted by the counsel for the petitioner that FIR was lodged against the petitioner on 25.05.2003, in which the offence under Section 380, 419, 420, 467, 468, 471 of the Indian Penal Code was registered. Further the charge-sheet was filed in the year 2009. The

applicant is facing the trial. Charges were framed against the petitioner on 19.04.2012, but the trial against him has not been concluded till date, hence, it is prayed that petition be admitted for final hearing.

3. Counsel for the respondent/State opposes the petition and the submission made in this respect. It is submitted that the petitioner has come up before this Court for quashing of FIR after passing of 16 years, therefore, this petition is not maintainable on account of delay. Secondly, the petitioner is facing trial before the trial Court and just because the trial is getting delayed, this can not be made a ground for quashing of FIR. Hence, prayed that the petition be dismissed at the motion stage itself.
4. I have heard the learned counsel for both the parties and perused the documents placed on record.
5. It is found that lodging of FIR, investigation of the case and further the commencement of the trial was never objected to by the petitioner at any earlier stage. Further the only grievance that appears to be of the petitioner is that trial against him is not getting concluded because of the non-appearance of the witnesses of this case. Therefore, on this principle that speedy trial is a right of the petitioner, direction may be issued in this respect, however, the prayer made for quashing of the FIR can not be entertained for the reason that there is huge delay in bringing this petition and further the petitioner has already submitted to the process of Court and is facing trial, therefore, the petition is dismissed at motion stage with a direction to the trial Court to conclude the trial against the petitioner as soon as possible preferably within a period of six months from the date this order is communicated to the said Court.

6. Registry is directed to send the copy of this order to the Court concerned for compliance.

Sd/-
(Rajendra Chandra Singh Samant)
Judge

Balram