

HIGH COURT OF CHHATTISGARH, BILASPUR

CRMP No. 1764 of 2018

1. Ashok Kumar Mehta, S/o. Late Shri P.L. Mehta, Aged About 70 Years.
 2. Ajeet Kumar Mehta, S/o. Late Shri P.L. Mehta, Aged About 63 Years.
- Both are R/o. Station Chowk, Near Petrol Pump, Raigarh, District- Raigarh, Chhattisgarh.

---- Petitioners

Versus

1. State Of Chhattisgarh, Through- Station House Officer, Police Station- City Kotwali, Raigarh, District- Raigarh, Chhattisgarh.
2. Hemlata Agrawal, D/o. Late Shri S.N. Gupta, Aged About 52 Years, R/o. Kaidimuda, Raigarh, P.S. City Kotwali, District- Raigarh, Chhattisgarh.

---- Respondents

For Petitioners	:	Mr. Sunil Tripathi, Advocate
For State/Respondent No.1:		Mr. Vaibhav A. Goverdhan, Panel Lawyer
For Respondent No.2	:	Mr. Ali Asgar, Advocate

Hon'ble Shri Justice Goutam Bhaduri

Order On Board

14.01.2019

Heard

1. The present petition is to quash the FIR No.33340027181019 dated 10.08.2018 registered under Section 471, 468, 467, 420-B read with Section 34 of I.P.C. at Police Station- City Kotwali, District Raigarh.
2. Learned counsel for the petitioners submits that in order to obtain the possession, the respondent No.2 has lodged the report in respect of the shop which was initially granted to M/s. S.N.Gupta which was a partnership firm and having demolished the same by Municipal Corporation at another place the shop was given wherein the partnership firm still continue it's business. As against this, the FIR is lodged that the shop which was demolished was granted to S.N. Gupta in his exclusive right not to the firm and

thereafter when the demolition was carried out certain shops were given at another place to S.N.Gupta, which has been forcefully taken over by the petitioners on the basis of forged document.

3. Learned counsel for the respondent No.2 would submit that the document under R.T.I. would reveal that the shop which was initially demolished was granted exclusively to S.N.Gupta.
4. The Court, at this stage, is not going into the dispute to decide the question of possession in between the parties. The averments made in the FIR needs investigation. The nature of complaint cannot be thrown at the threshold. Quashing the FIR at this stage would amount to strangle the investigation itself. The police authorities therefore may conduct the investigation to find out if any case is made out or not. If no case is made out or is made out, the parties shall be left to their course of action as available to them under law. The petition at this stage is premature.

Sd/-
(Goutam Bhaduri)
Judge