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HIGH COURT OF CHHATTISGARH, BILASPUR

W.P.(Cr.) No. 681 of 2019

- Reena Verma D/o Shri Kalika Prasad Verma Aged About 49 Years R/o Choubey Colony, Janta Quarter, House No. J/73, Police Station Purani Basti, Raipur, District Raipur, Chhattisgarh.

---- Petitioner

Versus

1. State Of Chhattisgarh Through Its Secretary, Home Department, Mantralaya, Mahanadi Bhawan, Naya Raipur, District Raipur, Chhattisgarh.
2. Superintendent Of Police Raipur, District Raipur, Chhattisgarh.
3. Station House Officer Police Station Purani Basti, Raipur District Raipur, Chhattisgarh.

---- Respondents

For the Petitioner	: Shri D.K. Gwalre, Advocate with Shri Ashutosh Mishra, Advocate.
For the Respondents/State	: Shri Adil Minhaj, P.L.
For the Objector	: Shri Yogendra Singh Rajput, Advocate.

Hon'ble Shri Justice Rajendra Chandra Singh Samant

Order on Board

23-09-2019

Heard.

1. This petition has been brought under Article 226 of the Constitution of India praying for issuance of appropriate writ.
2. It is submitted by learned counsel for the petitioner that a totally false FIR has been lodged by complainant – Raja Pansari against this petitioner which is without any substance. The allegation that this petitioner has extorted the complainant is baseless as there is no evidence of passing of money. There is no substance for offence under Section 507 of the IPC and further, the electronic evidence is cooked up and there is no material to substantiate the offence under Section 67(A) of the Information Technology Act, 2000.

Relying on the judgment of Supreme Court in the case of **State of Haryana and Others vs. Bhajan Lal and Others** reported in **1992 Supp (1) SCC 335**, it is submitted that the complainant and the petitioner both were in relationship since about 18 years and the complainant is trying to get rid of this relationship, therefore, he has made all these false allegations against the petitioner. Hence, it is prayed that the petition be admitted and the interim relief be granted to the petitioner.

3. Learned counsel for the State/respondents submits that the FIR lodged against the petitioner discloses commission of offences under Sections 384 and 507 of the Indian Penal Code and Section 67(A) of the Information Technology Act, 2000. The complainant has already submitted material in the investigation and has given a statement which substantiate the commission of offences by the petitioner, therefore, the case is not fit to be admitted.
4. Learned counsel for the objector adopting the arguments submitted by the State counsel, submitted that the petitioner is absconding and she is not assisting the investigation. *Prima facie* case is present against her and in a way the petitioner is seeking relief under Section 438 of the Cr.P.C. which is not permissible under Article 226 of the Constitution of India.
5. In reply, it is submitted that the petitioner is in touch with the Investigation Officer and she has sought time for giving her appearance in the police station. Further, she has also filed an application for grant of anticipatory bail. Denying the submissions made by the State counsel and counsel for the Objector, it is prayed that the relief be granted to the petitioner.

6. After considering the submissions made by counsel for both the parties and perusing the case-diary which has been produced before this Court by the State counsel, I am of this opinion that in the investigation made so far there is substance present to substantiate the allegations made for the complaint. The investigation is at a preliminary stage, therefore, no conclusion can be drawn in favour of the petitioner. Hence, I do not feel inclined to allow this petition, which is dismissed at the motion stage.
7. Accordingly, the petition is dismissed.

Sd/-

(Rajendra Chandra Singh Samant)
Judge

Nimmi