

## **HIGH COURT OF CHHATTISGARH, BILASPUR**

**CRMP No. 1994 of 2018**

Suresh Nihichalani, S/o. Shri Idandas Nihichalani, Aged About 38 Years,  
R/o. Flat No.101 B-Block First Floor Impresiya New Rajendra Nagar  
Police Station New Rajendra Nagar Raipur District Raipur Chhattisgarh.

**---- Petitioner**

**Versus**

1. State Of Chhattisgarh, Through District Magistrate Raipur, District Raipur, Chhattisgarh
2. Khusiram Kundnani, S/o. Late R.M.Kundnani, R/o. Shop No.E-2, Maruti Business Park, G.E.Road, Police Station Azad Chowk, District Raipur, Chhattisgarh
3. Kishore Kundnani, S/o. Late R.M. Kundnani, R/o. Shop No.E-2 Maruti Bussiness Park, G.E.Road, Police Station Azad Chowk, District Raipur, Chhattisgarh

**---- Respondents**

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For Petitioner : Mr. Rohitashva Singh, Advocate

For State : Ms. Shivali Dubey, Panel Lawyer  
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**Hon'ble Shri Justice Goutam Bhaduri**

**Order On Board**

**19.02.2019**

Heard

1. The present petition is against the order dated 05.09.2018 passed in Criminal Revision No.141/2018 by the Additional Sessions Judge, Raipur. By the impugned order, the revisional Court has affirmed the order dated 16.03.2018 whereby an application preferred by the petitioner under Section 156(3) of Cr.P.C. was dismissed.
2. The facts would reveal an application was filed under Section 156(3) of Cr.P.C. by the petitioner that respondent No.2 & 3 are brothers and the petitioner alongwith them running a firm namely M/s. Freshika Multitrade Private Limited and they were the Directors. In such firm, one Kishore Virani was also a Director who resigned in the year 2014. Subsequently, by M/s. Freshika

Multitrade Private Limited the share holders entered into an agreement dated 21.03.2015 whereby the respondents have relinquished their right in the company and have given the information to the respective Bank. Despite relinquishing the right again they started indulging in the operation of the account of the company, therefore, since there was a breach of trust, an application under Section 156(3) of Cr.P.C. was filed. The trial Court however after evaluating the facts and evidence dismissed the petition.

3. Perusal of the order and facts would reveal that dispute *inter se* is in between the directors and share holders of the company that relinquishing deed was not acted upon. If the agreement has not been followed then the petitioner has all the recourse and remedy open to him under the law which may not be a criminal act. After going through the documents, I do not find any reason to interfere with the order impugned. The petition has no merit and accordingly is dismissed.

Sd/-  
**(Goutam Bhaduri)**  
Judge