

HIGH COURT OF CHHATTISGARH, BILASPUR

WPCR No. 595 of 2018

1. Sunil Kurre S/o Shri Hetram Kurre Aged About 28 Years R/o Village - Singhaldev, Police Station - Shivarinarayan, District - Janjgir-Champa, Chhattisgarh
2. Hetram Kurre S/o Shri Bodhram Kurre Aged About 50 Years R/o Village - Singhaldev, Police Station - Shivarinarayan, District - Janjgir-Champa, Chhattisgarh. --- **Petitioners**

Versus

1. State of Chhattisgarh Through The Secretary, Ministry Of Home Affairs, Mantralaya, Mahanadi Bhawan, Atal Nagar, Raipur, District - Raipur, Chhattisgarh.
2. Inspector General of Police Bilaspur Range, Bilaspur, District - Bilaspur, Chhattisgarh.
3. Superintendent of Police Bilaspur, District - Bilaspur, Chhattisgarh.
4. Station House Officer Police Station - Masturi, District - Bilaspur, Chhattisgarh.
5. Sandip Tandon S/o Shri Hemlal Tandon Aged About 26 Years R/o Village - Dhangawan, Tahsil - Masturi, District - Bilaspur, Chhattisgarh. --- **Respondents**

For the applicant	: Mr. Pawan Shrivastava, Advocate
For the State	: Mr. Ghan Shyam Patel, Govt. Advocate

Hon'ble Shri Justice Goutam Bhaduri

Order on Board

25.01.2019

1. The present petition is to quash FIR dated 28.02.2018 filed by complainant Sandip Tandon, respondent No.5 herein. It is alleged that petitioners Sunil Kurre and Hetram Kurre in order to provide job in Railways have taken an amount of Rs.6 lakhs from the complainant, however the job was not provided, for which a complaint was filed on 24.12.2017. Thereafter, on 15.02.2018 the said complainant has again filed a complaint before Inspector General of Police, respondent No.2 herein wherein it is alleged that an amount of Rs.6 lakhs was paid 1 ½ years back and an amount of Rs.30,000/- was also deposited in the account of one Tek Ram Sahu (accused) on 27.03.2014.

2. Learned counsel for the petitioners submits that initially the complaint was made against two persons Sunil Kurre and Hetram Kurre, subsequently another name of Tek Ram Sahu was also added before the Inspector General of Police, therefore, there is inconsistency in the report. He further contends that appointment order was issued on 16.04.2014 and the amount of Rs.6 lakhs is alleged to have been given to the petitioners prior to 1 ½ years back for providing job, therefore, the statement of complainant and the documents produced by him contradicts each other and the FIR is completely frivolous.
3. On the other hand, learned State Counsel opposes the said arguments. He submits that on 27.11.2018 the Coordinate Bench of this Court in M.Cr.C (A).No.1413/2018 has given direction to the petitioners to appear and make their submissions before the Enquiry Officer as they were asked to appear in the office of Police by letter dated 14.09.2018 Annexure P-5 and 21.08.2018 and despite that they have not appeared.
4. It is submitted at the bar that the petitioners have appeared before the investigation officer. Therefore, if the FIR itself is quashed then the entire proceedings so far conducted will automatically be diminished.
5. Considering the nature of FIR and the allegations levelled therein, this Court is not inclined to quash the same as it will strangle the enquiry itself. Accordingly, the petition has no merits and is dismissed.

Sd/-

**GOUTAM BHADURI
JUDGE**