

HIGH COURT OF CHHATTISGARH, BILASPUR**WPCR No. 612 of 2018**

- Dr. Smt Anamika Paul W/o Dr. Amitabh Paul Aged About 37 Years R/o Main Rood Saraipali, District- Mahasamund, Chhattisgarh

---- Petitioner**Versus**

1. State of Chhattisgarh Through Secretary, Home Department, Mahanadi Bhawan, Capital Complex Mantralaya, Atal Nagar Raipur, District- Raipur, Chhattisgarh
2. Superintendent of Police Mahasamund, District- Mahasamund, Chhattisgarh
3. Station House Officer Police Station, Basna, District- Mahasamund, Chhattisgarh
4. Rajendra Kumar Verma S/o Shri Mehattar Ram Verma Chief Executive Officer, Janpad Panchayat, Basna, District- Mahasamund, Chhattisgarh

---- Respondents

For Petitioner : Shri Sunil Sahu, Advocate

For Respondent/State : Shri Chandresh Shrivastava, Dy. AG for the State

Hon'ble Shri Justice Goutam Bhaduri**Order On Board****21/01/2019**

1. Heard.
2. The present petition has been filed for quashment of the FIR dated 04.10.2018 lodged by one Rajendra Kumar Verma, CEO, Janpad Panchayat, Basna, District Mahasamund (C.G.).
3. The perusal of the FIR which is sought to be quashed (Annexure P-1) shows that the CEO has lodged a report that on 03.10.2018, the petitioner and other persons forcefully entered into the office, abused, obstructed to perform the

public duty. The FIR is with averment that during the office hours, the petitioner and others, who have been named, after forcefully entering into the office, damaged door, cooler and till four hours the main gate of the office was closed and the complainant was kept in captivity.

4. Learned counsel for the petitioner submits that the complaint is belied by the fact that initially a report was given that the petitioner will hold a peaceful demonstration as the money which belonged to the different villagers were not paid and were illegality withheld. Therefore, peaceful demonstration was held, and as a result as per Annexures P-5 & P-6 the money withheld were released so the demonstration was peaceful. It is further contended that in order to take revenge as complainant was forced to release the lawful claim of the villagers to teach a lesson the false FIR is registered.
5. I have perused the FIR. This Court in exercise of powers under Article 226 of the Constitution of India cannot go into the merits that whether the FIR has been lodged on fabricated ground or not? It is for the I.O. to give finding after investigation. Under the circumstances, quashing the FIR would amount to strangulate the entire investigation. Therefore, this Court is not inclined to quash the FIR, however, the I.O. shall take into account the documents which are placed before this Court, so as to evaluate the degree of offence if any committed or not.
6. With such observation, the petition stands disposed of.

Sd/-

Goutam Bhaduri
Judge

Ashu