

HIGH COURT OF CHHATTISGARH, BILASPUR

CRMP No. 2269 of 2018

Ramdeo Tawri, S/o. Trilok Chand Tawri, Aged About 43 Years, R/o. B-1, Mahesh Colony, Durg, District- Durg, Chhattisgarh.

---- **Petitioner**

Versus

1. State Of Chhattisgarh, Through The Station House Officer, Police Station-Mohan Nagar, Durg, District- Durg, Chhattisgarh.
2. Criminal Investigation Department (C.I.D.) Police Headquarter, Near Rajbhawan, Raipur, District- Raipur, Chhattisgarh.

---- **Respondents**

For Petitioner : Mr. Priyank Rathi, Advocate

For State/Respondents : Mr. Chandresh Shrivastava, Dy. A.G.

Hon'ble Shri Justice Goutam Bhaduri

Order On Board

23.01.2019

Heard

1. The present petition is for quashing the FIR in connection with Crime No.181/2007.
2. It is contended by the petitioner that the nature of complaint as alleged makes out a civil liability and even the department which is alleged to be aggrieved has not made any FIR. He further submits that the other co-accused who were tried have been acquitted and in far remoteness, there is no chance of any conviction in case the petitioner is even tried. He further submits that in the acquittal order, the I.O. has stated that the FIR is lodged on the basis of the letter of the S.P. however, the said letter was neither produced nor proved and therefore how the FIR is registered is not clear. Consequently, the other co-accused who were tried in this case were acquitted.
3. Perused the voluminous documents filed along-with the petition. One order dated 15.09.2017 passed in Special Trial No.28/2010 is

on record passed by the Special Judge Durg wherein three persons were tried i.e. Gopi Jumnani, Mahendra Singh, Govind Yadav and it appears that they were acquitted after the trial. The petitioner admittedly was absconding, he has not faced the trial. It appears that after the acquittal order was passed in respect of other accused, the petitioner appeared in the scene on the ground that he was involved in treatment of his mother at Bombay. The said submission made by the petitioner is difficult to accept that for 10 years though the other co-accused were being tried in a Court of law, the petitioner did not have any knowledge of it. The petitioner appears to be sitting on the fence and after acquittal order is passed in respect of other accused, he surfaced to seek the quashment of the FIR on the ground that the petitioner even if is tried cannot be convicted.

4. This Court will not hold the trial while going through the FIR. The petitioner cannot be allowed to take advantage of his own wrong for being absconding. Under the circumstances, I am not inclined to entertain this petition. The petition has no merit and accordingly is dismissed.

Sd/-
(Goutam Bhaduri)
Judge