

HIGH COURT OF CHHATTISGARH, BILASPUR

CRMP No. 2312 of 2018

1. Badrinarayan S/o Late Buddhuram Aged About 55 Years R/o- Village Dhobhghatti, Police Station- Lormi, District- Mungeli, Chhattisgarh.
 2. Kedar S/o Late Buddhuram Aged About 47 Years R/o- Village Dhobhghatti, Police Station- Lormi, District- Mungeli, Chhattisgarh.
 3. Geeta Bai W/o Badrinarayan Aged About 50 Years R/o- Village Dhobhghatti, Police Station- Lormi, District- Mungeli, Chhattisgarh.
 4. Vimla Bai W/o Kedarnath Aged About 42 Years R/o- Village Dhobhghatti, Police Station- Lormi, District- Mungeli, Chhattisgarh.
 5. Resham Bai W/o Late Buddhuram Aged About 17 Years R/o- Village Dhobhghatti, Police Station- Lormi, District- Mungeli, Chhattisgarh.
- Petitioners**

Versus

1. State of Chhattisgarh through- Station House Officer, Police Station- Lormi, District- Mungeli, Chhattisgarh.
 2. Smt. Triveni Bai W/o Jagannath Kurmi R/o- Village- Dhobhghatti, Police Station- Lormi, District- Mungeli, Chhattisgarh.
- Respondents**

For the applicant	:	Mr. Vivek Tripathi, Advocate.
Fir the State	:	Mr. Ghanshyam Patel, Govt. Adv.
For the State	:	Mr. Ravi Maheshwari, Panel Lawyer

Hon'ble Shri Justice Goutam Bhaduri

Order on Board

08.03.2019

1. The present petition is to quash the FIR dated 16.10.2018 bearing Crime No. 433 of 2018 registered at Police Station Lormi, Distt. Mungeli for the offences punishable u/ss 147, 148, 149, 294, 323, 506 of IPC.
2. It is contended that a quarrel took place for supply of canal water to the lands wherein the petitioners were

severely beaten and even they were subjected to MLC and therefore the report was lodged by one of the petitioners namely Geeta bai on 16.10.2018 at about 8.55 p.m. It is stated that in order to dilute the real happening of incident, the counter FIR has been lodged on the same day i.e., 16.10.2018, as such, the FIR which was filed by Triveni Bai on 16.10.2018 may be quashed.

3. Learned counsel appearing for for the respondent Triveni Bai would submit that a free fight took place over supply of water to the land and the respondent was also assaulted.
4. Perused the FIR lodged by Triveni Bai for which the prayer is made for quashing the same. A perusal of the FIR shows that Triveni Bai has stated that accused Kedar excavated a pit in a corner of his land so as to stop the flow of canal water into her land and when it was objected by the complainant that due to such excavation made him, her field does not get flow of canal water, Triveni Ba, was assaulted by way of Axe and when the family members came to her rescue, they were also assaulted.
5. After perusal of the FIR, it appears that at this stage if one FIR is quashed then in such a case it would amount to acceptance of defence of the petitioners as the report and counter report exists. It is for the trial Court to go in detail as both the parties shall be free to confront each other during course of trial in respect of the incident took place. After perusal of the FIR of Triveni Bai, I am not inclined to quash the same. Accordingly the petition is dismissed.

Sd/-

**GOUTAM BHADURI
JUDGE**