

HIGH COURT OF CHHATTISGARH, BILASPUR**WPCR No. 643 of 2018**

1. Balsai Korram S/o Ramsai Aged About 48 Years Caste - Gond (ST Caste), R/o Village Hariharpur, Police Station Udaypur, District Surguja Chhattisgarh
2. Shyama Bai W/o Balsai Aged About 45 Years Caste - Gond (ST Caste), R/o Village Harihapur, Police Station Udaypur, District Surguja Chhattisgarh

---- Petitioners**Versus**

- State of Chhattisgarh Through Station House Officer, P.S. Udaypur, District Surguja Chhattisgarh

---- Respondent

For Petitioners	:	Shri Kishore Narayan, Advocate
For Respondent/State	:	Shri R.K. Bhagat, Dy. GA

Hon'ble Shri Justice Goutam Bhaduri**Order On Board****24/01/2019**

1. Heard.
2. The present petition has been filed to quash the FIR dated 24.06.2017, wherein averments have been made that the petitioners along with few of the officers of the State got a government land/forest land bearing Khasra Nos.191/1 & 727/1 recorded in their names which is situated at Village Salhi. Subsequently, the land was acquired and on the basis of the fact that they are the owners, have received the amount of Rs.1,01,88,334.00. The report when was made by few of the villagers, the enquiry was conducted by the SDM, Udaipur R.K. Tamboli and after enquiry it was found that the Patwari Naresh Kumar Maurya, the then Secretary Etwar Sai, the present petitioner Bal Sai Korram and his wife namely Shyama Bai, petitioner No.2, in connivance with each other have received an

amount of Rs. 1,01,88,334.00 as compensation in lieu of land held by them which did not belong to them. Thereafter on the basis of the enquiry report, the FIR was directed to be registered.

3. Learned counsel for the petitioners would submit that the present FIR was out of an vengeance and the report was not made by the villagers, which would be evident by comparing the signatures on the affidavit and the report, which too bears the signatures of the villagers. Therefore, it is a State sponsor litigation and when the FIR is lodged out of a vengeance, it can be quashed.
4. Perusal of the FIR would show that allegations were made that the petitioners were hand in gloves with few of the revenue officers and got a land mutated in their names and subsequently when the land was acquired, huge compensation was received. The FIR purports that when the initial report was made, enquiry was conducted by the SDM, R.K. Tamboli and in such enquiry the allegations which were leveled were found to be correct. The contention of the petitioner that the complaint of the villagers, on which the enquiry started, they have not made any report and their signatures have been forged, this submission cannot be appreciated at this stage as the FIR itself shows that before the FIR, it preceded by an enquiry, wherein the SDO has found the allegations to be correct. Quashing the FIR at this stage would amount to strangle the entire enquiry itself. The allegations are documentary in nature and the fact whether report bears the signature of villagers can be clear after the enquiry is made.
5. This petition has no merit. It is accordingly dismissed.

Sd/-
Goutam Bhaduri
Judge