

HIGH COURT OF CHHATTISGARH, BILASPUR

Cr.M.P. No. 2467 of 2018

1. Shakila Bano W/o Shri Yusuf Khan Aged About 53 Years (Name Of Hasband Of The Petitioner No.1 Wrongly Mentioned In The F.I.R. As Yusub) R/o House No. 1131 /01 Near Madwarani ,temple ,i.T.I. Rampur ,behind Irrigation ,colony ,police Station Kotwali Korba District Korba Chhattisgarh, District : Korba, Chhattisgarh
2. Afrin Khan S/o Shri Yusuf Khan Aged About 31 Years (Name Of Father Of The Petitioner No. 2 Wrongly Mentioned In The F.I.R. As Yusub) R/o House No. 1131 /01 Near Madwarani ,temple ,i.T.I. Rampur ,behind Irrigation ,colony ,police Station Kotwali Korba District Korba Chhattisgarh, District : Korba, Chhattisgarh
3. Arif Khan S/o Shri Yusuf Khan Aged About 31 Years (Name Of Father Of The Petitioner No. 3 Wrongly Mentioned In The F.I.R. As Yusub) R/o House No. 1131 /01 Near Madwarani ,temple ,i.T.I. Rampur, behind Irrigation Colony, Police Station Kotwali Korba District Korba Chhattisgarh, District : Korba, Chhattisgarh

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Versus

1. Gangasagar Pathak S/o Late Shri Kapileshwar Pathak R/o Near Madwarani temple, I.T.I. Rampur, behind Irrigation Colony, Police Station Kotwali, Korba District Korba, Chhattisgarh.
2. State Of Chhattisgarh Through Station House Officer, Police Station Kotwali, Korba District Korba Chhattisgarh.

---- Respondents

For Petitioners	: Shri Sanjay Pathak, Advocate.
For Respondent/State	: Shri Anant Bajpai, P.L.

Hon'ble Shri Justice Goutam Bhaduri

Order

21/01/2019

1. The present petition is to quash the FIR dated 15.06.2018 whereby the offence under Section 294, 506, 323 read with Section 34 of IPC has been registered against the petitioners.
2. It is contended by learned counsel for the petitioners that at earlier point of time petitioners have made the FIR and they have not committed any offence, only by way of defence this incidence has happened. It is

stated that the incident happened over the demarcation of land as both the parties were claiming their right over the land.

3. From the perusal of the FIR, at this stage, the Court cannot evaluate who were the aggressor and who had exceeded the right of private defence. It is during the trial that it can be ascertained. Under the circumstances, the first investigation report itself if it is quashed then it will amount to acquitting the accused at the threshold. Therefore, taking into facts, I am not inclined to entertain the petition and quash the FIR at this stage.

4. Accordingly, the petition is hereby dismissed.

Sd/-
(Goutam Bhaduri)
JUDGE