

HIGH COURT OF CHHATTISGARH, BILASPUR

CRMP No. 2483 of 2018

Ravishankar Sahu, S/o. Kanhaiya Lala Sahu, Aged About 38 Years, R/o. Ward No. 13 Bharat Chowk Talapara, Police Station Civil Lines, District : Bilaspur, Chhattisgarh.

---- Petitioner

Versus

1. Vikas Awasthi (Finance Officer) Choramandalam Investment & Finance Company Limited, Deendayal Garden Road, Near Renault Care Showroom, Zone 1, Vyaparvihar, Bilaspur, Police Station -Civil Lines, District Bilaspur, Chhattisgarh.
2. Varun Dubey (Legal Officer) Choramandalam Investment & Finance Company Limited, Deendayal Garden Road, Near Renault Care Showroom, Zone 1, Vyaparvihar Bilaspur, Police Station -Civil Lines, District Bilaspur, Chhattisgarh.
3. Adil Ahmad (Manger Legal) Choramandalam Investment & Finance Company Limited, Branch Office Shop No.506-509, Fifth Floor, National Corporate Park, G.E. Road, Raipur, Chhattisgarh
4. State Of Chhattisgarh, Through District Magistrate, Bilaspur, District : Bilaspur, Chhattisgarh

---- Respondents

For Petitioner	:	Mr. Chitendra Singh, Advocate
For State	:	Ms. Shivali Dubey, Panel Lawyer

Hon'ble Shri Justice Goutam Bhaduri

Order On Board

07.03.2019

Heard

1. The present petition is against the order dated 16.07.2018 passed in Criminal Revision No.63/2018 by the Ninth Upper Sessions Judge, Bilaspur, whereby the order dated 07.02.2018 passed by the Judicial Magistrate First Class, Bilaspur was affirmed wherein the application under Section 156(3) of Cr.P.C. was dismissed.
2. It is contended on behalf of the petitioner that the petitioner has obtained the vehicle from the respondents finance company and despite the amount was paid, the vehicle was forcefully taken away, therefore, the offence has been committed.

3. Perusal of the order of both the Courts below would show that complaint was not filed before the Court and only an application under Section 156(3) of Cr.P.C. was filed, which the trial Court after evaluating the facts did not take any cognizance of the application under Section 156(3) of Cr.P.C.
4. Under the circumstances, since no complaint was filed by the petitioner and the Court below has refused to take any cognizance under Section 156(3) of Cr.P.C. no order can be passed to take recourse to register the FIR as Section 156(3) of Cr.P.C. do not expressly or impliedly infer any power to register the FIR.
5. Accordingly, the petition has no merit and is dismissed.

Sd/-
(Goutam Bhaduri)
Judge