

HIGH COURT OF CHHATTISGARH, BILASPUR**CRMP No. 2648 of 2018**

1. Smt. Santoshi Verma W/o Shri Manharan Verma Aged About 47 Years R/o Village Tulsi, Police Station Neora, Tahsil Tilda, District Raipur Chhattisgarh
2. Manharan Nayak S/o Shri Dashru Nayak Aged About 39 Years The Then Panchayat Secretary, Tulsi, Police Station Neora, Presently Working At Khaprikala, Tahsil Tilda, District Raipur Chhattisgarh

---- Petitioners**Versus**

1. State of Chhattisgarh Through The Secretary, Panchayat And Rural Development Department, Mantralaya, Atal Nagar, Raipur Chhattisgarh
2. State of Chhattisgarh Through The Secretary, Department Of Home, Atal Nagar, Raipur Chhattisgarh
3. Superintendent of Police Rajya Aarthik Aparadh Anvenshan Bureau, Raipur Chhattisgarh
4. Collector Raipur, District Raipur Chhattisgarh
5. Chief Executive Officer Zila Panchayat, Raipur, District Raipur Chhattisgarh
6. Chief Executive Officer Janpad Panchayat, Tilda, District Raipur Chhattisgarh
7. Virendra Kumar Verma S/o Shri Balram Verma Aged About 36 Years R/o Village Tulsi, P.O. Neora, Tahsil Tilda, District Raipur Chhattisgarh
8. Sub Divisional Officer (Revenue), Raipur, District Raipur Chhattisgarh

---- Respondents

For Petitioners	:	Shri Manoj Paranjpe, Advocate
For Respondent/State	:	Shri Devendra Pratap Singh, Dy. AG for the State

Hon'ble Shri Justice Goutam Bhaduri**Order On Board****07/01/2019**

1. Heard.
2. The instant petition has been filed for quashing of the FIR dated 14.05.2018

bearing No.8/18 registered under Section 13 (1) (c) (d), 13 (2) of the Prevention of Corruption Act, 1988 and Section 409 of the IPC before the Police Station E.O.W. Raipur (C.G.).

3. Learned counsel for the petitioners submits that at the instance of respondent No.7 on the basis of a preliminary enquiry report dated 22.01.2018 (Annexure P-5) and by misleading the I.O., the FIR has been registered on the basis of the order passed by this Court on 13.04.2018 (Annexure P-13). It is contended that after the preliminary enquiry report, the show-cause notice was issued and a five member committee was constituted by the Collector and the committee after physical verification came to a conclusion on 21.08.2018 (Annexure P-11) that no defalcation has been committed, therefore, no offence is committed and the FIR which has been lodged is completely wrong on the basis of wrong submission of fact.
4. Perusal of the documents shows that the FIR was registered on the basis of a complaint made by respondent No.7 Virendra Kumar Verma on 14.05.2018 on the basis of the preliminary enquiry. Subsequently, the petitioners claimed their exoneration on the basis of the report of the committee dated 21.08.2018, therefore, it is for the I.O. to investigate and come to a conclusion. For this Court taking documents the face value, it would not be proper to hold a trial and the petitioners shall be at liberty to place all the documents which are in their favour before the concerned I.O. and the I.O. may consider those documents.
5. With such observation, the CRMP stands disposed of.

Sd/-
Goutam Bhaduri
Judge