

CRMP No. 527 of 2020

- Petitioner

- Gopal Singh Gautam S/o V.S. Gautam Aged About 68 Years R/o House No. H.I.G./125 Maharana Pratap Nagar, Korba, Tahsil And District Korba Chhattisgarh.

---- Respondent

For Petitioner :- Mr. Ashok Kumar Shukla and
Mr. Atanu Ghosh, Adv.

Hon'ble Shri Justice Sanjay K. Agrawal
Order On Board

27/02/2020

1. Petitioner has filed a complaint against the respondent for commission of offence under Sections 403, 406 and 420 of the IPC read with Section 200 of the Code of Criminal Procedure.
2. Learned trial Magistrate dismissed the complaint finding no *prima facie* case for

issuance of the process holding that dispute is of civil nature with regard to the landlord and tenant relationship which was also affirmed by the Revisional Court against which the present CRMP has been preferred.

3. I have heard learned counsel for the petitioner and gone through the records.

4. The two Courts have clearly held that the dispute between the parties is with regard to the suit accommodation by the respondent to the complainant, as such, dispute is purely and purely of a civil nature and no *prima facie* case is made out against the respondent for taking cognizance of offences under Sections 403, 406 and 420 of the IPC. The said findings recorded by the two Courts below are absolutely in accordance with law in which I do not find any infirmity. Accordingly, the instant CRMP is dismissed. However, petitioner is at liberty to proceed in accordance with law.

Sd/-
(Sanjay K. Agrawal)
Judge