

HIGH COURT OF CHHATTISGARH, BILASPUR**Criminal Misc. Petition No.1260 of 2020****Order reserved on: 20-11-2020****Order delivered on: 25-11-2020**

Surendrapal Singh, S/o Sri Kapil Dev Singh, aged about 52 years, Caste Kshatriya, Occupation Patwari, Halka No.28, Jharrakhand, Manendragarh, R/o Ward No.15, Manendragarh, Police Station & Tehsil Manendragarh, District Koriya (C.G.)

(Accused)
---- Petitioner

Versus

State of Chhattisgarh, through Station House Officer, Manendragarh, Distt. Koriya (C.G.)

---- Respondent

For Petitioner: Mr. Ashok Kumar Varma, Advocate.

For Respondent / State: -

Mr. Ravi Kumar Bhagat, Deputy Government Advocate,
on advance copy.

Hon'ble Shri Justice Sanjay K. Agrawal

C.A.V. Order

1. Heard on admission and grant of interim relief.
2. By the instant petition under Section 482 of the CrPC, the petitioner seeks to quash the first information report (FIR) registered under Crime No.252/2019 by Police Station Manendragarh, District Koriya lodged at the instance of complainant Devpriya Ekka of Village Chowghada, Tahsil Manendragarh, District Koriya on the ground that as such in that case, no offence is made out against him and the investigation which has been conducted for the offences punishable under Sections 420, 467, 468, 471 and 120B of the IPC is ex facie illegal and bad in law.

3. In pursuant to the investigation made, charge-sheet has been filed against Shivnarayan and eleven others, but not against the petitioner herein. Statement of the petitioner has also been recorded in that proceeding. Charge-sheet has been filed and at the end of charge-sheet, it has been mentioned that charge-sheet will be filed against the petitioner under Section 173(8) of the CrPC.
4. Mr. Ashok Kumar Varma, learned counsel appearing for the petitioner, would submit that though the petitioner is not named in the first information report, but yet, supplementary charge-sheet is proposed to be filed under Section 178(3) of the CrPC which is without jurisdiction and without authority of law, as no offence is made out against him. He would further submit that when the division of Khasra No.148 was made, the petitioner who is Patwari was not posted at Village Chowghada and he was posted at Manendragarh and therefore he is not responsible.
5. On advance copy, Mr. Ravi Kumar Bhagat, learned Deputy Government Advocate appearing on behalf of the State / respondent, would submit that the petitioner, as noted in the charge-sheet, is absconding and not fully cooperated in the investigation, as such, no case is made out for quashing the pending investigation against him.
6. I have heard learned counsel for the parties and considered their rival submissions made herein-above and also went through the material available on record with utmost circumspection.
7. True it is that the petitioner has also been interrogated, but finally, charge-sheet against him has not been filed on account of his abscondance and the same has duly been recorded in the charge-

sheet dated 25-12-2019 and it has been stated that supplementary charge-sheet will be filed against him in future point of time. Since the petitioner is not cooperating with the investigating authority and is absconding and charge-sheet against him is yet to be filed, as material has been collected, merely on the basis of his defence and his defence document(s), FIR against him under Crime No.252/2019 cannot be quashed particularly when charge-sheet is yet to be filed against him. Since the petitioner is absconding, no charge-sheet could be filed against him. As such, no ground is made out at present for quashing the FIR under Crime No.252/2019 qua the petitioner. Accordingly, the petition is dismissed in limine. The petitioner is at liberty to proceed in accordance with law.

Sd/-
(Sanjay K. Agrawal)
Judge