(2018) 08 CHH CK 0136

Chhattisgarh High Court

Case No: Criminal Miscellaneous Petition (CRMP) No. 1579 Of 2018

Krishnavatar Sharma And Ors		APPELLANT
	Vs	
State Of Chhattisgarh		RESPONDENT

Date of Decision: Aug. 9, 2018

Acts Referred:
Indian Penal Code, 1860 â€" Section 34, 420#Code Of Criminal Procedure, 1973 â€" Section 482

Citation: (2018) 08 CHH CK 0136

Hon'ble Judges: Goutam Bhaduri, J

Bench: Single Bench

Advocate: Kishor Bharat, Naveen Tiwari, SK Mishra

Final Decision: Dismissed

Judgement

Goutam Bhaduri, J

1. Heard.

2. The present petition is for quashing the FIR dated 15.05.2003 in crime No.408/03 under Section 420/34 IPC.

3. Learned counsel for the petitioner submits that the petitioner No.1 was working as clerk in the Crystol Capital Company and petitioner No.2 who is

the brother of petitioner No.1 against them without any rhyme or reason the offence has been registered. It is contended that after receiving the

amount by the company fixed deposit was created and same is a part of record but same is not placed before the trial Court, which is conducting the

trial. Therefore, there are no chance that the petitioners may get fare justice in this case and the FIR be quashed.

4. Perused the FIR, made by Smt. Ansuiya W/o Pradeep Kumar, it shows that Chavilal Sharma the petitioner No.2 came to the house and allured that

his brother, Krishnavatar Sharma is working with Crystol Credit Company, Korba and if she becomes the member, she will be get 14% annual interest

on deposits made. Subsequently, on the different point of time Rs.1,85000/- was deposited for which a receipt was given and the entry was made in

the pass book. Subsequently, when she went to the Crystol Capital Company it was found that though the amount was given to the petitioners but they

were not deposited in the account. The FIR is as back as dated 2003, at this stage quashing the FIR only on the mere submission of the petitioners

would rather lead to injustice in view of the principles laid down in the case of Chirag M. Pathak & Others V. Dollyben Kantilal Patel & Others

{(2018) 1 SCC 330}, wherein it has been held that the High Court in exercise of its powers under Section 482 Cr.P.C. cannot undertake a detailed

examination of facts contained in the FIRs by acting as an appellate Court and draw its own conclusion.

5. After reading of the FIR I do not find it proper to quash the FIR. The petitioners are at liberty to raise all the grounds before the trial Court during

the course of trial

6. Accordingly, the petition is dismissed.