
(2013) 10 MP CK 0182
In the Madhya Pradesh High Court
Case No : M.Cr.C. No. 10157 of 2013

Chandra Shekhar Kaushal

APPELLANT

Vs

State of Madhya Pradesh

RESPONDENT

Date of Decision : 09-10-2013

Acts Referred:

Citation : (2013) 10 MP CK 0182

Hon'ble Judges : N.K. Gupta, J

Bench : Single Bench

Advocate : Aniruddh Mishra, for the Appellant; G.S. Thakur, Panel Lawyer, for the Respondent

Final Decision : Allowed

Judgement

N.K. Gupta, J.—The applicant has preferred the present petition u/s 482 of Cr.P.C. to quash the proceeding of the Crime No. 191/2012 registered at Police Station Rehatgaon District Harda for the offence punishable under Sections 294, 323, 506 read with Section 34 of IPC. The brief facts of the case are that on 12.12.2012 at about 10:50 AM in the morning one Shiv Prasad had lodged an FIR against six accused persons including the present applicant that they assaulted the victim and abused him with obscene words and also threatened, and therefore the case was registered under Sections 294, 323, 506 read with Section 34 of IPC.

2. I have heard the learned counsel for the parties.

3. The learned counsel for the applicant has submitted that Kali Soni alias Sudeep son of the complainant is a history sheeter and he has shown some documents that Kali Soni alias Sudeep was demanding some money from the officers of the Bank. The applicant was the Assistant Manager in Zila Sahakari Kendriya Bank Maryadit, Hoshangabad Branch Rehatgaon, therefore a series of FIRs were lodged by him about the conduct of Kali Soni alias Sudeep. The applicant has also lodged an FIR against the complainant about the conduct of

wrongful restraint and threatening given to the applicant. It is also submitted that there was no relation of the applicant with the other co-accused persons shown in the FIR lodged by the complainant. On the application submitted the applicant, the matter was enquired by the Superintendent of Police, Harda and the SDO(P) Harda gave his report (Annexure A-9) that at the time of incident on 12.12.2012 the applicant was present in a shop in front of Tahsil Office, Timarni, and therefore he was not present at Rehatgaon on that particular day. Under such circumstances, it is prayed that the applicant is falsely implicated in the matter, and therefore the FIR lodged against the applicant may be quashed.

4. On the other hand, the learned counsel for the State has submitted that there is named FIR against the applicant for such an offence.

5. After considering the submissions made by the learned counsel for the parties and looking to the facts and circumstances of the case, it is apparent that the applicant had lodged an FIR against the complainant Shiv Prasad and so many complaints against his son Kali Soni alias Sudeep. Looking to the criminal past of Kali Soni alias Sudeep, it can be presumed at this stage that he tried to snatch some money from the various officers of the Bank and the applicant wrote a letter to take action against the history sheeter. It is also apparent that there was no connection of the applicant with the other co-accused persons shown in the FIR and there was no possibility of association of the applicant with those co-accused persons.

6. The possibility cannot be ruled out that while lodging an FIR against the culprits, the name of the present applicant was also added in the FIR. When the SDO(P) of that area found that the applicant was not present at the spot on the given date and time, then certainly it appears that a false FIR has been lodged against the applicant. It is apparent that the applicant who was not associated with other co-accused persons is falsely implicated in the matter by the complainant due to enmity, whereas the applicant was not found present at the time of incident at the spot given in the FIR. Under such circumstances, the petition filed by the applicant u/s 482 of Cr.P.C. appears to be acceptable. It is the duty of the Court that an innocent citizen should be saved from a false implication in a criminal case.

7. On the basis of the aforesaid discussion, the present petition filed by the applicant u/s 482 of Cr.P.C. is hereby allowed. The Crime No. 191/2012 registered against the present applicant at Police Station Rehatgaon District Harda is hereby quashed. The SHO as well as the trial Court is directed to delete the name of the applicant from the proceeding. A copy of this order be sent to the trial Court for information and compliance.