

(2023) 06 MP CK 0042

In the Madhya Pradesh High Court

Case No : Miscellaneous Criminal Case No. 24519 Of 2023

Jaldevi

APPELLANT

Vs

State Of Madhya Pradesh

RESPONDENT

Date of Decision : 14-06-2023

Acts Referred:

Code Of Criminal Procedure, 1973 — Section 482
Indian Penal Code, 1860 — Section 34, 306

Citation : (2023) 06 MP CK 0042

Hon'ble Judges : Roopesh Chandra Varshney, J

Bench : Single Bench

Advocate : D.P.Singh, G.S.Chauhan

Final Decision : Dismissed

Judgement

Roopesh Chandra Varshney, J

1. Heard on the question of admission.

Instant petition is filed by the petitioners under Section 482 of Cr.P.C. for quashment of FIR registered vide Crime No. 0376/2022 Dated 14/12/2022 by Police Station Gormi, District Bhind for offence under Section 406/34 of IPC and consequential criminal proceedings thereto.

2. Briefly stated facts of the case are that Project Officer, Integrated Child Development, Gormi made a written complaint on 14/12/2022 to the effect that on receiving a complaint that petitioner No. 1 who is running a Swa Sahayata Samooh alongwith her husband is selling / blackmarketing food grains sent for mid day meal of govt. schools in open market a raid was conducted on 21/11/2022 and complaint was found true. After obtaining necessary permission, written complaint was filed and instant FIR was registered.

3. It is the submission of learned counsel for the petitioners that complaint has been made on false and fabricated grounds over which FIR has been registered.

No clinching material/evidence is available against the petitioners.

3. Learned counsel for the State opposed the prayer and submits that it can be a case of false FIR as alleged; however, to prove their respective innocence, trial is necessary. He prayed for dismissal of the petition.

4. Heard.

5. From the pleadings it appears that the grounds raised by petitioners to prove their part of innocence can only be pleaded and proved by leading evidence and thus the ground as tried to be raised is matter of evidence and can only be tested on the anvil of cross-examination of the witnesses. Merely by referring that petitioners have been falsely implicated in the case and no clinching evidence is available against them, no conclusion can be drawn at this stage pre-empting the controversy. Best way to reach the truth is trial; wherein, cross-examination would bring forth the exact facts.

6. Scope of Section 482 of Cr.P.C. is very limited and it cannot be exercised sparingly under the extraordinary jurisdiction. Hon'ble Supreme Court in the matter of Taramani Parakh Vs. State of M.P. & Ors., 2015 Cr.L.J. (SC) 2031 has held that quashing of a charge is an exception to the rule of continuous prosecution. When the offence is even broadly satisfied, the Court should be more inclined to permit continuation of prosecution rather than its quashing at the initial stage. The Court is not expected to marshal the records with a view to decide admissibility and reliability of the documents on records but is an opinion formed prima facie.

7. In the case in hand when contents of FIR are seen then it appears that matter requires investigation, thereafter, after filing of charge-sheet, petitioners may plead their part of innocence by leading evidence oral as well as documentary in accordance with law. At this stage no indulgence can be shown. Case has to be seen on its own merits.

8. Cumulatively, petition sans merits and is hereby dismissed.