

(2023) 01 CHH CK 0040

In the Chhattisgarh High Court

Case No : Criminal Miscellaneous Petition No. 591 Of 2019

Mohd. Dastgir

APPELLANT

Vs

State Of Chhattisgarh

RESPONDENT

Date of Decision : 16-01-2023

Acts Referred:

Indian Penal Code, 1860 — Section 120B, 420, 467, 468, 471

Citation : (2023) 01 CHH CK 0040

Hon'ble Judges : Deepak Kumar Tiwari, J

Bench : Single Bench

Advocate : Anand Shukla, Vimlesh Bajpai

Final Decision : Disposed Of

Judgement

1. Being aggrieved by the registration of FIR No.18/2013 by the Police Station Lundra, District Ambikapur for offence under Sections 420, 467, 468, 471, 120-B of the IPC, the petitioner has preferred the present petition.

2. Prosecution case is that one Nirmal Tigga, Upper Collector, had sent a memo for registration of FIR, through Shiv Prasad Singh, AG-II, (Reader), on the basis of which, the FIR was registered on 27.2.2013 against Pannelal (Patwari), Rajendra Prasad (Assistant Settlement Officer), Ravindra Kumar Sharma, Ramashray Singh (Patwari) and Prashant Tiwari (Patwari), alleging that in village Riri, PH No.11, Tehsil Lundra, land bearing Khasra No.138/18 to 138/50, total Khasra No.33, ad measuring 283.137 hectare land, is a Government land and the accused persons, who are revenue officers, in connivance with others between 26.10.1998 and 7.12.99, converted the said Government/forest land into private land and recorded the names of different villagers in the revenue records and thereafter, the villagers had given power of attorney. So, the FIR has been registered for the said offence.

3. Petitioner's contention is that his name as well as the names of other accused persons has been inserted during investigation, though investigation relates to

the year 2013, investigation is till being carried out, which itself shows that there is no material against the petitioner. Further on the basis of memorandum of co-accused persons, the petitioner has been falsely implicated by the police authorities and no loss has been caused to the State exchequer, as the land is still in the name of Government recorded as Chhote Jhad Ka Jungle. The petitioner is neither beneficiary nor his name was recorded in the revenue records. The petitioner has also been released on anticipatory bail vide order dated 27.9.2018 passed in MCRCA No.1063/2018. Hence this petition has been filed.

4. Learned counsel for the petitioner would submit that the matter is pending investigation for more than 9 years and no evidence has been collected so far by the IO against the petitioner. He would further submit that on every occasion when the petitioner seeks permission for going to 'Haj', the concerned police authorities have not permitted or given NOC for such purpose. He also submits that considering the allegations, no offence is made out against the petitioner. So the FIR may be quashed.

5. Replying the aforesaid submission, learned State Counsel submits that as the investigation is still going on and only after completion of investigation, complete substance of the matter may be culled out. The petitioner may be directed to join the investigation reserving liberty in his favour to challenge the conclusion arrived at after completion of investigation, in accordance with law.

6. Having heard learned counsel for the parties, this Court would take note of the fact that though FIR has been registered on 27.2.2013 at PS Lundra, District Ambikapur, it is a sorry state of affairs of the State Machinery that final conclusion of the investigation has not yet been arrived. The present FIR has been registered at the behest of the Senior Administrative Officer i.e. Upper Collector. Even during departmental enquiry, Ramashray Singh (Patwari), Prashant Tiwari (Patwari), Pannelal (Patwari) in connivance with Rajendra Prasad (Assistant Settlement Officer) hatched a conspiracy to manipulate the land records and they entered the names of private persons. The present petitioner has already been released on anticipatory bail by this Court.

7. In view of the above, this Court finds it appropriate to direct the concerned Superintendent of Police to complete the investigation within a reasonable time and also take appropriate measures, if required, for conducting departmental enquiry against erring officials, who have held up the investigation unnecessarily. Ordered accordingly.

8. The petitioner is also directed to join and cooperate with the investigation, if required. After submission of final report, be it in the form of charge sheet or closure, the petitioner would be liberty to challenge if any adverse report is filed against him by moving appropriate application in accordance with law.

9. With the aforesaid direction, the CRMP is disposed of.

10. Let a copy of this order be supplied to learned State Counsel for being handed over to the concerned Superintendent of Police.