

(2023) 02 CHH CK 0037

In the Chhattisgarh High Court

Case No : Criminal Miscellaneous Petition No. 343 Of 2023

Ramlakhan Kashyap

APPELLANT

Vs

State Of Chhattisgarh

RESPONDENT

Date of Decision : 17-02-2023

Acts Referred:

Code Of Criminal Procedure, 1973 — Section 482

Indian Penal Code, 1860 — Section 34, 294, 506

Scheduled Caste and Scheduled Tribe (Prevention of Atrocities) Act, 1989 — Section 3(1)(r), 3(1)(s), 3(2)(va)

Citation : (2023) 02 CHH CK 0037

Hon'ble Judges : Deepak Kumar Tiwari, J

Bench : Single Bench

Advocate : Suresh Kumar Verma, Chitendra Singh

Final Decision : Dismissed

Judgement

1. This Petition has been filed under Section 482 of Cr.P.C. for quashing FIR No.171/2022, dated 07.10.2022 registered against the Petitioners at PS Jaijaipur, District Sakti for the offence under Sections 294 and 506/34 IPC as also under Sections 3(1)(r)(s) and 3(2)(va) of the Scheduled Caste and Scheduled Tribe (Prevention of Atrocities) Act, 1989.

2. Shri Verma submits that Anil Kashyap, who is the son of Petitioner No.2 and nephew of Petitioner No.1 had made an accident due to which, son of Complainant-Nikhil Koshle died. He further submits that the Complainant demanded an amount of Rs.50 lacs from Petitioner No.2 and upon not fulfilling his demand, the Petitioners have been implicated in the present crime. He further submits that the Petitioners were not present in the place of occurrence and the FIR lodged amounts to abuse of process of law, therefore, prays to quash the order dated 07.10.2022 registered against the Petitioners at PS Jaijaipur, District Sakti and consequent FIR No.171/2022 and allow the Petition.

3. Per contra, Shri Singh opposed the prayer.

4. I have heard learned counsel for the parties and perused the documents annexed herewith carefully.

5. In the matter of Neeharika Infrastructure Pvt. Ltd. vs. State of Maharashtra and Others reported in 2021 SCC OnLine SC 315, it was held that "while examining an FIR/complaint, quashing of which is sought, the court cannot embark upon an enquiry as to the reliability or genuineness or otherwise of the allegations made in the FIR/complaint and the criminal proceedings ought not to be scuttled at the initial stage and quashing of a complaint/FIR should be an exception rather than an ordinary rule.

6. Considering the averments made in the FIR, this Court does not find any material in this Petition warranting interference invoking the jurisdiction under Section 482 Cr.P.C.

7. Accordingly, the Petition being bereft of any merits is hereby dismissed at motion stage.