
(2023) 02 CHH CK 0073

In the Chhattisgarh High Court

Case No : Criminal Miscellaneous Petition No. 432 Of 2023

Sanjeev Singh

APPELLANT

Vs

State Of Chhattisgarh

RESPONDENT

Date of Decision : 28-02-2023

Acts Referred:

Code Of Criminal Procedure, 1973 — Section 482
Indian Penal Code, 1860 — Section 294, 323, 452, 506

Citation : (2023) 02 CHH CK 0073

Hon'ble Judges : Deepak Kumar Tiwari, J

Bench : Single Bench

Advocate : Tapan Kumar Chandra, Vimlesh Bajpai

Final Decision : Dismissed

Judgement

1. This Petition has been filed under Section 482 of Cr.P.C. for quashing FIR No.587/2017, dated 12.10.2017 registered against the Petitioner at PS Ambikapur District Surguja for the offence under Sections 452, 294, 506 and 323 IPC.

2. Brief facts of the case are that the Petitioner is a student and is working in a private job and his neighbour i.e. Respondent No.2/Complainant Niraj Kumar Pandey had lodged FIR against him on 12.10.2017 at 10.10 pm alleging that on the said date, the Petitioner had objected the tractor standing on the street in front the house of Respondent No.2/Complainant and abused him in filthy language in the name of mother and sister, threatened to kill him and also beaten him, which has been witnessed by independent witnesses namely Tilu Kanwar and Nishant Singh and on the same date, a cross FIR has also been lodged against the Complainant by the Petitioner, which has been registered against him under similar offence under Sections 452, 294, 506 and 323 IPC vide FIR No.588/2017.

3. Shri Chandra submits that the Petitioner has not committed any crime and

upon the complaint of the Complainant, a false FIR has been lodged against the Petitioner. He further submits that so may FIR have been registered against Respondent No.2/Complainant, therefore, prays to quash the said FIR and the consequent criminal proceedings.

4. Per contra, Shri Bajpai opposed the prayer and submits that sufficient ingredients are available in the FIR and further submits that the first FIR has been lodged by Respondent No.2/Complainant and thereafter, the Petitioner has lodged the FIR.

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

6. In view of the submissions made, considering the parameters laid down in the matter of Neeharika Infrastructure Pvt. Ltd. vs. State of Maharashtra and Others reported in 2021 SCC OnLine SC 315 wherein, it has been held that the police has the statutory right and duty under the relevant provisions of the Code of Criminal Procedure contained in Chapter XIV of the Code to investigate into a cognizable offence and while examining FIR/complaint, quashing of which is sought, the court cannot embark upon an enquiry as to the reliability of genuineness or otherwise of the allegations made in the FIR/complaint, this Court does not find any valid ground to quash the said FIR.

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