



HIGH COURT OF CHHATTISGARH, BILASPUR

Order Sheet

CRMP No. 1473 of 2024

1. Rekha Pandey Wife of Yogesh Kumar Pandey Aged About 29 Years Resident of House No. 824, Road No. 09, Behind Puri Iti, Chander Nagar, Ward No. 14, Shanti Nagar, Kohkabhilai, District - Durg, Chhattisgarh.
2. Yogesh Kumar Pandey Son D.N. Pandey Aged About 33 Years Resident of House No. 824, Road No. 09, Behind Puri Iti, Chander Nagar, Ward No. 14, Shanti Nagar, Kohkabhilai, District - Durg, Chhattisgarh.

---- Petitioners**Versus**

1. State of Chhattisgarh Through The District Magistrate Durg, Chhattisgarh.
2. Station House Officer Police Station City Kotwali, Durg, District - Durg, Chhattisgarh.
3. Santosh Kumar Prajapati Son of Late Sugreev Prasad Prajapati Aged About 47 Years Permanent Resident of House No. 4, Type-3, Ittc Complex, Bsnl, Neelpur, Rajpura, Patilala, Punjab 100101, Other Address - House No. 1326, Ward No. 9, Main Road, Kohka, Khurud, Bhilai, District - Durg, Chhattisgarh.
4. Smt. Sangeeta Pandit Daughter of Late Surgreev Prasad Prajapati Aged About 44 Years Permanent Resident of Flat No. 1, Plot No. 19, Sweet Home Apartment, Nit Lay Out, Telecom Nagar, Nagpur, (Maharashtra), Other Address - House No. 1326, Ward No. 9, Main Road, Kohka, Khurud, Bhilai, District - Durg, Chhattisgarh.
5. Amit Kumar Prajapati S/o Narendra Prajapati Aged About 21 Years House No. 1326 Ward No. 9, Main Road, Kohka, Khurud, Bhilai, District - Durg, Chhattisgarh, Kudra, Jehanabad District - Aimur- Jhaba Bihar, District - Durg, Chhattisgarh.
6. Smt. Manju Pandit Wife of Nirmal Kumar Pandit Aged About 45 Years Resident of B-28, Near Kota Mandir, Kota, Raipur, Chhattisgarh.
7. Sanjeev Kumardutta Son of Shri S.K. Dutta Aged About 50 Years Resident of Shivanand Nagar, Sector -1, Khamtarai, Tahsil and District - Raipur, Chhattisgarh.

---- Respondents

(Cause-title taken from Case Information System)



19/06/2024	Heard Mr. Abhishek Sinha, learned Senior Advocate, assisted by Mr. Aishwarya Kumar Dubey, learned counsel for the petitioners. Also heard Mr. Amit Buxy, learned Panel Lawyer, appearing for respondents No. 1 & 2/State. It has been argued by the learned Senior Advocate for the petitioner that the instant petition is filed seeking the quashing of the criminal proceedings and the order dated 27.01.2024 passed by the JMFC, Durg (C.G.), in the application filed under Section 156(3) of the Cr.P.C. directing the registration of an FIR against the petitioners and other persons in MJC Cri No. 752/2024 and also to quash the FIR subsequently registered against the petitioners on 21.05.2024. It is further submitted by the learned Senior Advocate for the petitioners that the respondents No. 3 to 5 instituted a civil suit for declaration of title against respondent No. 6 (Power of Attorney holder that sold the property) and petitioner No. 1 <i>i.e. a bona fide</i> purchaser of the suit property. Petitioner No. 1, in response, filed a counterclaim. Aggrieved by this and recognizing the lack of merit in their own civil suit, the concerned respondent filed an application under Section 156(3) of the Cr.P.C. The learned Judicial Magistrate First Class, Durg without considering the ongoing civil dispute awaiting adjudication and the fact that the application was only a retaliatory measure to the petitioner's counterclaim, allowed the application and



directed the respondent Police to register an FIR and file a charge-sheet as soon as possible. The petitioners promptly filed a criminal revision petition before the Sessions Court, Durg, and obtained an interim stay. Subsequently, the Additional Sessions Court, Durg, dismissed the criminal revision petition on maintainability. Consequently, an FIR was registered, and the respondents Police are under significant pressure from the concerned respondents to expedite the filing of a charge-sheet. Despite numerous judicial precedents, guidelines and the revision Court's observations indicating *prima facie* illegality in the impugned order, the petitioners continue to face harassment.

Issue notice to the respondents by ordinary post as well as registered post.

Learned State counsel appears and accepts notice on behalf of respondents No. 1 & 2, therefore, issuance of notice to it, is dispensed with.

Process Fee be paid within a week only for respondents No. 3 to 7.

Notice be made returnable in six weeks.

Two weeks' time is granted to the learned State counsel as well as respondents No. 3 to 7 to file their reply-affidavit and thereafter, two weeks' time is granted to the learned counsel for the petitioners to file



rejoinder affidavit.

List this matter thereafter.

Till the next date of listing or till submission of Police Report under Section 173(2) of the Cr.P.C., if any, before the competent Court, whichever is earlier, the arrest of the petitioners-**Rekha Pandey & Yogesh Kumar Pandey**, in pursuance of impugned FIR bearing No.0271 of 2024, shall remain stayed, of course subject to the restraint that the petitioners shall fully cooperate with the investigation and shall appear as and when called upon to assist in the investigation.

Sd/-
(Sachin Singh Rajput)
Judge

Sd/-
(Ramesh Sinha)
Chief Justice