



2025:CGHC:38710-DB



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NAFR**HIGH COURT OF CHHATTISGARH AT BILASPUR****CRMP No. 702 of 2024**

Sanjeev Kumar Dutta S/o Shri S.K. Dutta, Aged About 50 Years R/o
Shivnand Nagar, Sector-1, Khamtarai, Tahsil And District Raipur (CG)

--- Petitioner**versus**

1 - Santosh Kumar Prajapati S/o Late Sugreev Prasad Prajapati, Aged
About 47 Years Permanent Resident Of House No. 4, Type-3, Ittc
Complex, Bsnl, Neelpur, Rjpura Patiala Punjab, 1004401, Other
Address- House No. 1326, Ward No. 9, Main Road, Kohka, Kurud,
Bhilai, District Durg (CG)

2 - Smt. Sangeeta Pandit, D/o Late Sugreev Prasad Prajapati, Aged
About 44 Years Permanent R/o 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, Kurud,
Bhilai, District Durg (CG)

3 - State Of Chhattisgarh Through The Sho, Police Station City Kotwali,
Durg, District Durg (Cg)

--- Respondent(s)**with**

**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.

---Petitioner(s)

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.

... Respondent(s)

(Cause title is taken from CIS)

For Petitioners	: Mr. B. P. Sharma, Mr. M. L. Sakat and Mr. Pushp Kumar Gupta, Advocates
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For Respondents/ State	: Mr. Hariom Rai, Panel Lawyer
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For Respective Respondents	: Mr. Devershi Thakur, Mr. Sanjay Kumar Agrawal and Mr. Sudhanshu Kumar Singh, Advocates
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Hon'ble Shri Ramesh Sinha, Chief Justice
Hon'ble Shri Bibhu Datta Guru, Judge

Judgment on Board

Per Ramesh Sinha, Chief Justice

05/07/2025

1. Since both the above-captioned petitions involved similar facts and grounds, they are being considered and decided by this common judgment.
2. Heard Mr. B. P. Sharma, learned counsel alongwith Mr. M. L. Sakat and Mr. Pushp Kumar Gupta, learned counsel for the petitioners. Also heard Mr. Hariom Rai, learned Panel Lawyer



appearing for the respondents/ State as well as Mr. Devershi Thakur, Mr. Sanjay Kumar Agrawal and Mr. Sudhanshu Kumar Singh, learned counsel appearing for their respective respondents.

3. In CRMP No. 702/2024, the petitioner has prayed for the following relief:-

“It is therefore, prayed that this Hon'ble Court may be pleased to exercise its inherent jurisdiction under Section 482 of Cr.P.C. and in exercise thereof admit the petition, call for the records and after hearing the parties in the matter, set aside the order dated 27.1.2024 in its entirety and for any reason whatsoever if during pendency of this petition, FIR is registered then also quash the same and in effect reject the application filed under Section 156 (3) CrPC in toto or so far as present petitioner is concerned on such terms as this Hon'ble Court may deem fit in peculiar factual matrix of case and in interest of justice.”

4. In CRMP No. 1473/2024, the petitioners have prayed for the following reliefs :-

“a. Set aside Quash the orders dated 16.5.2024 & 27.01.2024 passed by the revisionsal Court and the Judicial Magistrate First Class Durg to the extent of petitioner's role and liability in MJC Cri. 752/2024.
b. Set aside Quash the FIR no; 0271/2024 dated 21/05/2024 to the extent of petitioners' role and liability.
c. Safeguard Petitioners from Criminal Proceedings and investigation consequential to Impugned order and Impugned FIR.



d. Any other relief which this Hon'ble Court may deem fit in the facts & circumstances of case."

5. By these petitions, the petitioners seeking quashment of criminal proceedings as also the order dated 27/01/2024 passed by the JMFC, Durg in an application filed under Section 156(3) of the Cr.P.C directing registration of FIR against the petitioners in MJC Cr. No. 752/2024 and to quash the FIR dated 21/05/2024. According to the petitioners, the private respondents instituted a suit for declaration of title against the power of attorney holder. Thereafter, recognizing lack of merit in their own civil suit, they filed an application under Section 156(3) and the learned Magistrate without considering the facts and circumstances of the case in its true perspective, allowed the application and directed the police authorities to register an FIR and file a charge-sheet as soon as possible.
6. Learned counsel would further submit that as per the instructions received from his client, the closure report has been filed, in respect of the subject matter, before the competent Court, which has been rebutted by the learned counsel for the State and would submit that the investigation is still pending and this petition may be disposed of with a direction to the respondent authorities to conclude the investigation expeditiously.
7. Considering the facts and circumstances of the case and with the consent of learned counsel for the parties and particularly considering the fact that the investigation is still pending, we direct



the Investigating Officer to conclude the investigation of the present case and submit a police report under Section 173(2) of the CrPC (Now Section 193(3) of the BNSS) before the Magistrate concerned expeditiously, in accordance with law, if already not concluded, preferably within a period of three weeks from today. Till the period of three weeks, from the date of this order, the interim order passed earlier shall remain continue.

8. The petitioners are directed to produce a copy this order to the investigating officer.
9. With the aforesaid direction, both the CRMPs stand disposed of.

Sd/-
(Bibhu Datta Guru)
Judge

Sd/-
(Ramesh Sinha)
Chief Justice