

**HIGH COURT OF CHHATTISGARH AT BILASPUR****CRMP No. 2107 of 2024**

Bal Kishan Sharma, S/o Kesharmal Sharma Aged About 63 Years R/o A/1, Satya Niwas, Rammani Niwasi, Behind L.I.C. Office, Magarpara, Police Station - Civil Line, Tahsil and District - Bilaspur (C.G.)

... Petitioner

versus

1. State of Chhattisgarh Through Station House Officer, Police Station - Civil Lines, Bilaspur, District - Bilaspur (C.G.)
2. Ashok Agrawal S/o. Late Satyanarayan Agrawal Aged About 63 Years R/o. Mansa Niwas, Agrasen Chowk, Sakti, District- Sakti (C.G.)

... Respondents

Order Sheet

06/08/2024	Heard Mr. Malay Shrivastava, learned counsel for the petitioner. Also heard Mr. Kanwaljeet Singh Saini, learned Panel Lawyer, appearing for respondent No.1/State. It has been argued by the learned counsel for the petitioner that wife and son of respondent No. 2 is the owner of the land situated at Ward No. 10 (Mother Terisa



Ward) P.H. No. 22, R.I. Circle, Tahsil and District Bilaspur (C.G.) having Khasra No. 28/61, Sheet No. 2, Plot No. 294/4, Block No. 4, area 1705 square feet (for short, 'the land'). Out of the total land, a house was constructed at 871 sq.ft. of the land in which the petitioner is residing as tenant.

It is further submitted by the learned counsel for the petitioner that on 02.02.2007, the wife and son of the respondent No. 2 has executed a power of attorney in favour of the respondent No. 2 and on the basis of the power of attorney, on 30.03.2007 an agreement to sale for the land was executed between the petitioner and the respondent No. 2 in which it was specifically mentioned that the respondent No. 2 is accepting Rs. 2,50,000/- as earnest money and rest of the sale consideration has been paid at the time of execution of the sale deed. Thereafter, on 05.05.2007, the respondent No. 2 filed a suit for eviction against the petitioner and the wife of the petitioner before the Second Additional District Judge, Bilaspur for eviction from the house which was constructed over the land.

Learned counsel for the petitioner further states that



on 16.03.2011, the respondent No. 2 filed a criminal complaint under Section 200 of the Cr.P.C. before the Court of Chief Judicial Magistrate, Bilaspur for the offence which is punishable under Sections 420, 465, 467, 468, 471 read with Section 34 of the IPC against the petitioner and the wife of the petitioner on the ground that the petitioner and the wife of the petitioner has executed a forged agreement to sell dated 30.03.2007 of the respondent No. 2. He also states that the Chief Judicial Magistrate, Bilaspur on the complaint of the respondent No. 2 has called an enquiry report from the Police of Police Station Civil Line, Bilaspur and the Police has submitted an enquiry report dated 22.02.2012 before the Chief Judicial Magistrate, Bilaspur. Thereafter, on 06.11.2017, the Chief Judicial Magistrate has rejected the complaint of the respondent No. 2 on merits.

It is further contended by the learned counsel for the petitioner that on 19.01.2018 an information was received at Police Station Civil Line, Bilaspur (C.G.) from the respondent No. 2 that the petitioner and the wife of the petitioner has prepared a forged agreement to sale deed dated 30.03.2007 and on the basis of the forged



agreement to sale, they are trying to grab the land and house of the respondent No. 2. On the basis of the information received on 19.01.2018, the respondent No. 1 immediately registered the FIR against the petitioner. Thereafter, on 05.07.2023, the respondent No. 1 has arrested the petitioner and the petitioner has filed an application for grant of bail before the trial Court, which was rejected. Thereafter, the petitioner has filed the bail application before this Court and this Court in MCRC No.5382 of 2023 was pleased to pass the order dated 11.08.2023 by which the bail application of the petitioner was allowed. He also contended that on 22.10.2023, the respondent No. 1 has filed the charge-sheet against the petitioner for the commission of offence which is punishable under Sections 420 and 467 of the IPC.

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

Learned State counsel appears and accepts notice on behalf of respondent No. 1, therefore, issuance of notice to them, is dispensed with.

Process fee be paid within a week only for



respondent No. 2.

Notice be made returnable in four weeks.

Two weeks' time is granted to the learned State counsel as well as respondents No. 2 to file their reply-affidavit and thereafter, two weeks' time is granted to the learned counsel for the petitioner to file rejoinder-affidavit.

List this matter thereafter.

Till the next date of listing, the criminal proceedings pending before the learned Chief Judicial Magistrate, Bilaspur in Criminal Case No. 8932 of 2023 in pursuance of the charge-sheet dated 22.10.2023 filed Crime No. 68 of 2018 registered at Police Station Civil Line, Bilaspur, District Bilaspur (C.G.) against the petitioner, shall remain stayed.

Sd/-
(Ravindra Kumar Agrawal)
Judge

Sd/-
(Ramesh Sinha)
Chief Justice