

HIGH COURT OF CHHATTISGARH, BILASPUR

Order Sheet

Cr.M.P No.2380 of 2018

1. D.D. Mahant S/o Balram Mahant Aged About 62 Years Through Tahsildar, Bijapur, Police Station- Bijapur, District- Bijapur, Chhattisgarh
2. Shankarlal Sinha S/o Mohanlal Sinha Aged About 54 Years Through Present Nai Tahsildar, Balodabazar, District- Balodabazar- Bhatapara, Chhattisgarh.

---- Petitioners

Versus

1. Firoz Khan S/o Sikandar Khan Aged About 35 Years R/o Ward No. 7, Lalpur Road, Bagbahra, Police Station- Bagbahra, District- Mahasamund Chhattisgarh.
2. Sohta Bai W/o Jodhan Tondon Aged About 64 Years R/o Village- Banskata, Post- Komakhan, Police Station- Komakhan, Tahsil- Bagbahra, District- Mahasamund, Chhattisgarh.....Respondent/ Accused No.3.
3. Laxmkant Harlalka S/o Hanuprasad Harlalka Aged About 62 Years R/o S-12, Green Paradise, Raipur, District- Raipur, Chhattisgarh.....Respondent/ Accused No.4, District : Raipur, Chhattisgarh
4. Nikunj Harlalka R/o Ramakant Harlalka Aged About 33 Years R/o S-12, Green Paradise, Raipur, District- Raipur, Chhattisgarh.....Respondent/ Accused No.5

---- Respondents

01.12.2018	Shri Manoj Paranjpe, counsel for the Petitioners. Heard on admission. Issue notice to Respondent No.1 only on payment of PF as per rules. Also heard on IA No.01/2018, an application for grant of stay. Learned Counsel for the Petitioner submits that after dismissal of first complaint vide order dated 02.05.2017 (Annexure P-6), the instant second complaint under Section 200 Cr.P.C is not maintainable in view of the principles laid down in the matter of <u>Jatinder Singh and Others vs. Ranjit Kaur</u> reported in (2001) 2 Supreme Court Cases 570. He further submits that even in absence of previous sanction required under Section 197 Cr.P.C, the

Complaint Petition itself is not maintainable against the Petitioners. He, therefore, prays that further proceedings of the trial Court may be stayed pending decision of this Petition.

Let notice be issued to Respondent No.1 on this application also, as above.

Meanwhile, purely as an interim measure, it is directed that further proceedings of Criminal Complaint Case No.1212/2018 pending before Judicial Magistrate, First Class, Mahasamund shall remain stayed till the next date of hearing.

Post this matter after Respondent No.1 is served for consideration of admission as well as IA No.01/2018.

Sd/-
(Sanjay Agrawal)
Judge