



**HIGH COURT OF CHHATTISGARH, BILASPUR**

**CRMP No. 39 of 2023**

- Sanjay Nihichalani, S/o Kanhaiyalal Nihichandani, aged about 49 Years, R/o Tilda Nevra, Raipur, District - Raipur (C.G.)

---- Petitioner

**Versus**

1. State of Chhattisgarh, Through Police Station Dharsiwa, Raipur, District Raipur (C.G.).
2. Ajay Nihichalani, S/o Late Indandas Nihichalani, aged about 46 Years, R/o Sindhi Camp, Gurunanak Ward No. 5, Tilda Nevra, Raipur, District Raipur (C.G.).

---- Respondents

09/01/2023	<p>Mr. Manoj Paranjpe, Advocate with Mr. Anshul Tiwari, Advocate for the petitioner.</p> <p>Ms. Madhunisha Singh, Deputy A.G. for the State.</p> <p>Mr. Sunil Otwani, Advocate for the respondent No.2.</p> <p>Heard.</p> <p>Learned counsel for the petitioner submits that in this case FIR was lodged after a lapse of 7 years and the property in question belongs to the grand father of petitioner and he has transferred the property in his name by way of Revenue proceedings vide order dated 23.11.2015 passed by the Additional Tehsildar, Dharsiwa, Raipur wherein statement of Nanakram Nihichalani was also recorded. Order passed by the Revenue Court was not challenged in any Court and the disputed property was self-acquired property of the Nanakram Nihichalani, who died on 29.12.2015. He further submits that after passing the order of Additional Tehsildar, the land in question was mutated in the name of</p>
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petitioner. He also submits that police registered the offence against petitioner under Section 420 of IPC after 7 years of the order passed by the Revenue Court and the complainant-Ajay Nihichalani is the son of Late Idandas, who died on 26.11.2013 prior to death of Nanakram Nihichalani. Therefore, in these circumstance, it is prayed that some interim protection may be given in favour of the petitioner.

Counsel for the State as well as Respondent No.2 oppose the submission made by learned counsel for the petitioner and pray for four weeks time to file reply in this regard.

Time, as prayed for, is allowed.

Considering the facts and circumstances of the case, it is directed that investigation of FIR bearing Crime No.05/2023, registered at Police Station Dharsiwa, Raipur, C.G. may go on, but no coercive steps shall be taken against the petitioner pursuant to aforesaid FIR for a period of 30 days from today, with a condition that he will cooperate with the investigation.

List this case after four weeks.

Certified Copy today itself.

Sd/-  
**(Radhakishan Agrawal)**  
Judge