



HIGH COURT OF CHHATTISGARH, BILASPUR

Order Sheet

Cr.M.P. No.348 of 2023

Awadhesh Kumar **Versus** State Of Chhattisgarh & Ors.

17.02.2023	<p>Shri Ashutosh Shukla, counsel for the Petitioner.</p> <p>Heard on admission.</p> <p>Admit.</p> <p>Shri Vimlesh Bajpai, G.A appears and accepts notice on behalf of the State/Respondent No.1.</p> <p>issue notice to Respondent No.3 only on payment of PF as per rules.</p> <p>Also heard on IA No.01/2023, an application for grant of interim relief.</p> <p>Issue notice to the said Respondent on this application also, as above.</p> <p>Shri Shukla submits that the allegation of the Complainant namely Akash Kumar Divya, which was made in FIR No.260 dated 18.10.2022 registered at PS Dipika, District Korba is that the Petitioner, along with 3 other persons namely Brijlal, Manharanlal and Madhukar, had fabricated the documents and falsely shown himself as the son of Complainant's father and got appointed in the SECL, therefore, offence under Section 420/34 IPC was registered against him. He further submits that the present Petitioner was appointed on the basis of compassionate appointment vide order dated 23.02.2016, copy of which has been annexed herewith along with the appointment order dated 20.07.1995 of his father Kejau Ram in which, the name of his father was shown as Kaleshwar. The father of the Petitioner died on 24.07.2015, a copy of the death certificate has also been annexed herewith and thereafter, as per the policy of the said Company, on the basis of compassionate appointment, the Petitioner was appointed, thus, no role has been played by him in the fabrication of the documents or cheating his employer and therefore, prays to quash the said impugned FIR.</p> <p>On the contrary, Shri Bajpai does not dispute the contention advanced by Shri</p>
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Shukla to the extent that the Petitioner's father has obtained appointment by showing himself to be the son of Kaleshwar.

Considering the submissions made and also considering the fact that the present Petitioner has been given compassionate appointment, purely as an interim measure, it is ordered that the effect and operation of the impugned FIR No.260 dated 18.10.2022 registered at PS Dipika, District Korba shall remain stayed till the next date of hearing.

Learned State Counsel prays time to file reply.

Post the matter after 8 weeks.

Sd/-

(Deepak Kumar Tiwari)
Judge

