



HIGH COURT OF CHHATTISGARH, BILASPUR

Order Sheet

CRMP No.337 of 2023Vimal Chand Jain & Another **Versus** State of Chhattisgarh & Others

15/02/2023	Shri B.P. Sharma with Shri M.L. Sakat, counsel for the petitioner. Ms. Seema Dixit, Panel Lawyer for the State. Heard. Admit. Issue notice to the respondents on merits as well as IA No.1/2023, application for grant of ad-interim relief, as per rules. As learned State Counsel accepts notice on behalf of respondent No.1 & 2, PF to be paid within a week for effecting service on respondent No.3 only. Notice be made returnable within 6 weeks. Also heard on IA No.1/2023, application for grant of ad-interim relief. Learned counsel for the petitioners submits that respondent No.3/complainant has earlier lodged similar complaint at the Police Station Civil Lines, Raipur for agreement to sell entered for Khasra Nos.323/5 अ & 332/4अ, Village Barbuspur, Tehsil Korba. The Police



Station Civil Lines, on 26th December, 2018, has not taken cognizance, as the matter was purely civil in nature and suppressing the said fact, the complainant has lodged a fresh complaint on 28.11.2021 at Police Station Urga, District Korba. The said FIR has been registered without making any preliminary inquiry, though the matter is purely of commercial transaction, in violations of the guidelines issued by the Hon'ble Supreme Court in the matter of **Lalita Kumari Vs. Government of Uttar Pradesh and Others** {(2014) 2 SCC 1}, in which, at para-120.6, a direction has been made to the effect that in the cases relating to commercial offences where there is abnormal delay/laches in initiating criminal prosecution, for example, over 3 months' delay in reporting the matter without satisfactorily explaining the reasons for delay, preliminary inquiry should be conducted. Learned counsel further submits that as per the averments made in the FIR, agreement was entered on 12th April, 2015 for sale of the land. Considering all these aspects, the effect and operation of the impugned FIR may be stayed.

On the other hand, learned State Counsel opposes the prayer. However, she fairly submits that in the impugned FIR, the fact that the complainant has earlier lodged similar complaint to the other Police Station, was not brought to the notice of the concerned



Station House Officer.

Considering the submissions of the parties and the nature of complaint, purely as an interim measure, it is directed that the effect and operation of the impugned FIR No.0611/2021, dated 28.11.2021, registered at Police Station Uрга, District Korba shall remain stayed till the next date of hearing.

Sd/-
(Deepak Kumar Tiwari)
Judge

Barve

