



NAFR

HIGH COURT OF CHHATTISGARH, BILASPUR**WPCR No. 272 of 2023**

1. Dilip Kumar Pahuja S/o Narayan Das Pahuja, Aged About 58 Years R/o House Number B-07, R.S. Park Near Chhattisgarh College, Byron Bazar Raipur Chhattisgarh.
2. Chayan Pahuja, S/o Narayan Das Pahuja, Aged About 41 Years R/o House Number B-07, R.S. Park Near Chhattisgarh College, Byron Bazar Raipur Chhattisgarh.

---- Petitioners**Versus**

1. State of Chhattisgarh Through Its Secretary Department of Home Affairs, Mahanadi Bhawan, Atal Nagar, Nava Raipur, Chhattisgarh
2. State Of Chhattisgarh, Through Superintendent of Police, District- Raipur, Chhattisgarh.
3. State of Chhattisgarh Through The Station House Officer, Police Station Civil Lines, District- Raipur, Chhattisgarh.
4. Jaiprakash Keswani, S/o Shri Ratanchand Keswani Aged About 48 Years R/o Lane Number 04 Telibandha Ravigram Raipur Chhattisgarh.

---- Respondents

(Cause-title taken from Case Information System)

For Petitioners : Mr.Archit Maud Hyaw and Mr.Arijit Tiwari,
Advocates

For Respondents No.1 to 3 : Ms. Madhunisha Singh, Deputy Advocate
General.

Hon'ble Shri Ramesh Sinha, Chief Justice**Hon'ble Shri Rakesh Mohan Pandey, Judge****Order on Board****Per Ramesh Sinha, Chief Justice****23.06.2023**

1. Heard Mr.Mr.Archit Maud Hyaw and Mr.Arijit Tiwari,



learned counsel for the petitioners. Also heard Ms. Madhunisha Singh, Deputy Advocate General, appearing for respondents No. 1 to 3/State.

2. The present writ petition has been filed by the petitioners with the following prayers:

“10.1 That, the Hon’ble Court may please to entertain this petition and call for entire records pertaining to the case.

10.2 The Hon’ble Court may kindly be pleased to issue appropriate writ/order/direction for quashing the Impugned First Information Report No.0282 of 2023 dated 09.06.2023 registered by Police Station Civil Lines Raipur Chhattisgarh.

10.3 The Hon’ble Court may kindly be pleased to issue appropriate writ in nature of mandamus for directing the respondent authorities to not to take any coercive steps against the petitioners till the filing of the Final Report.”

3. Learned counsel for the petitioners submits that the question of the petitioners being booked for offence under Sections 420 and 120B/34 of the IPC does not arise as the entire dispute is of a civil nature in respect of Contracts/Agreement signed and executed between the parties. It seems that the said FIR has been registered purely as and by way of abuse of process of law. As such, the impugned FIR dated 9.6.2023 deserves to be quashed.

4. On the other hand, Learned Deputy Advocate General opposes the prayer for quashing of the FIR and submits that from a perusal of the FIR cognizable offence is made out against the petitioners and the relief as



claimed cannot be granted to the petitioners in this writ petition in view of the judgment of the Apex Court passed in ***Criminal Appeal No. 330 of 2021 (M/s Neeharika Infrastructure Pvt. Ltd. Vs. The State of Maharashtra & others)***, and therefore, the present petition is liable to be dismissed.

5. We have heard learned counsel for the parties and perused the prayers and the pleadings made in the present petition.

6. After having examined the submissions advanced by the learned counsel for the parties and after perusing the impugned FIR, we are of the opinion that the impugned FIR discloses cognizable offence against the petitioners, hence, no interference is called for by this Court in its extraordinary power under Article 226 of the Constitution of India for quashing of the FIR or for grant of any interim relief to the petitioners and also in view of the law laid down by the Apex Court in ***M/s Neeharika Infrastructure Pvt. Ltd.*** (supra) vide judgment and order dated **13.04.2021**.

7. Accordingly, the present writ petition is dismissed. However, the petitioners are at liberty to move an application under Section 438 of the CrPC for grant of anticipatory bail, if so advised.

Sd/-
(Rakesh Mohan Pandey)
Judge

Sd/-
(Ramesh Sinha)
Chief Justice