

Vrindavan Vs. Chandra Shekhar

Vrindavan Vs. Chandra Shekhar

SooperKanoon Citation : sooperkanoon.com/1041746

Court : Madhya Pradesh

Decided On : Aug-27-2013

Appellant : Vrindavan

Respondent : Chandra Shekhar

Judgement :

M.Cr.C.No.7927/2012 27.08.2013 Shri A.K.Tiwari, Advocate for the applicants.

Shri D.P.Patel, Advocate for the respondent.

Heard the learned counsel for the parties finally.

By the present petition under Section 482 of Cr.P.C.applicants have challenged the order dated 8.5.2012 passed by the learned Additional Sessions Judge, Amarpatan District Satna in Criminal Revision No.73/2011 and the order dated 11.1.2011 passed by the learned JMFC, Amarpatan (Smt.

Kiran Singh) in complaint case No.5/2011, whereby the complaint under Section 420 of IPC was registered against the applicant.

The prosecution case, in short, is that the respondent has lodged a criminal complaint against the applicant that he purchased a land bearing Survey No.518 at village Kakara having area 0.70 hectare.

The applicant Vrindavan purchased a stamp No.3858 from one Anurag Tripathi in the name of Vimalbhan Nai and a fake agreement was prepared with mentioning a fake date i.e.31.3.2004 and that agreement of sale was prepared that the land was sold from Baldev in favour of Kusum Lata.

Thereafter a civil suit was also prosecuted which was dismissed.

Under such circumstances, a cheating has been done with the complainant.

Consequently, the complainant had lodged a complaint against the applicant.

After considering the submissions made by the learned counsel for the parties and looking to the facts and circumstances of the case, at present the documents and testimony of the complainant cannot be brushed aside.

The complaint has properly been registered for the offence punishable under Section 420 of IPC.

There is no reason by which any interference can be done in the order passed by the learned JMFC Amarpatan.

The learned counsel for the applicants has submitted that during the pendency of the civil suit, no criminal complaint could lie.

However, if any document is shown to be a fake, prima facie there is no bar on the criminal proceeding, if any civil suit is pending.

However, the civil suit has already been disposed off and the concerned agreement was found to be disbelievable.

Under such circumstances, there is no reason by which inherent power of this Court under Section 482 of Cr.P.C.may be invoked in the present case to quash the registration of the complaint.

Consequently, the present petition filed by the applicants under Section 482 of Cr.P.C.is hereby dismissed.

A copy of this order be sent to both the courts below for information.

(N.K.Gupta) Judge Ansari

SooperKanoon - India's Premier Online Legal Search - sooperkanoon.com