

पुलिसस्टेशन बरगी, जिला-जबलपुर,
मध्य प्रदेश में जी.आर. चन्द्रमोहन
के बिरुद्ध दायर की गयी प्रथम सूचना रिपोर्ट
के अन्तर्गत इस व्यक्ति के द्वारा
धारा 482 सी.आर.पी.सी. के अन्तर्गत
दायर की गयी याचिका
माननीय उच्चन्यायालय जबलपुर
के द्वारा निरस्तकर दी गयी है तथा
माननीय अतिरिक्त जिला न्यायाधीश
जबलपुर के द्वारा भी इस व्यक्ति की
जमानत याचिका को
निरस्त कर दिया गया है ।

1
**IN THE HIGH COURT OF MADHYA PRADESH
AT JABALPUR**

BEFORE

HON'BLE SHRI JUSTICE MANINDER S. BHATTI

ON THE 24th OF MAY, 2024

MISC. CRIMINAL CASE No. 12972 of 2024

BETWEEN:-

1. G. RAMCHANDRA MOHAN S/O LATE MR. N.G. PILLAI, AGED ABOUT 68 YEARS, OCCUPATION: RET. FRON PRIVATE SERVICE R/O 124 A AYAPPA NAGAR DISTRICT SUELA BHILAI (CHHATTISGARH)
2. AWADHESH PANDEY S/O SHRI GAYA PRASAD PANDEY R/O GRAM PANCHAYAT PANDEY GHUTIA HARRAI (MADHYA PRADESH)

.....APPLICANTS

(BY SHRI DEEPAK PANJWANI - ADVOCATE)

AND

1. THE STATE OF MADHYA PRADESH THROUGH POLICE STATION BARGI DISTRICT JABALPUR (MADHYA PRADESH)
2. SACHIN NATH DUBEY S/O SHANKAR DUBEY, AGED ABOUT 53 YEARS, OCCUPATION: FARMER R/O 643 NARSINGH WARD AMANPUR MADANMAHAL (MADHYA PRADESH)

.....RESPONDENTS

(BY MS. SHIKHA BAGHEL - PANEL LAWYER)

(BY SHRI GIRISH SHRIVASTAVA - ADVOCATE FOR RESPONDENT NO./OBJECTOR)

.....

This application coming on for admission this day, the court passed the following:

ORDER

This is a petition filed under Section 482 of the CrPC seeking quashment of the FUR/Crime No.20/2024, dated 11-01-2024 registered at the

Police Station, Bargi District Jabalpur.

2. Learned counsel for the applicants contends, that the applicant No.1 is duly elected General Secretary of the Society which is known as Spiritual Regeneration Movement (SRM) Foundation of India [hereinafter referred to as "SRM Foundation"]. It is contended by the counsel that the Society is running from 1963, and the present applicants in the capacity of office-bearers of the Society, are entitled to deal with the properties which are owned by the Society. However, on the basis of a complaint moved by the complainant/respondent No.2 herein, an FIR has been registered on the allegations that the lands situate in the Village - Ghutia, Tikhari, Patwari Halka No.31, Khasra Nos.7/1, 7/2, 7/3, 7/4 and 7/5, total area 45 acres (approx.) which was owned by the Society, has been alienated by the applicant No.2. As per the complainant the applicant No.2 had given his resignation to the Society on 08-07-2022, and after submitting his resignation the applicant No.2 had no right to transfer the property.

3. It is contended by the learned counsel for the applicants that the property was alienated to the applicant No.2 on the basis of a Power of Attorney duly executed. It is further contended by the counsel that allegations of submitting resignation are misconceived. Further, in the present case, a civil dispute is being sought to be given colour of a criminal case. Learned counsel submits that in the State of Chhattisgarh also, a similar complaint was filed and the High Court of Chhattisgarh quashed the proceedings, and an order in that regard is already available on record.

4. It is strenuously urged by the learned counsel for the applicants that even the complainant and his associates, while claiming themselves to be the office-bearers of the Society, had filed a suit, however the said suit was

withdrawn later on. Therefore, it is contended by the learned counsel that as disputed questions of facts are involved and the dispute *prima facie* pertains to property, the present petition filed under Section 482 of the CrPC deserves to be allowed.

5. Learned counsels for the State and the respondent No.2 submit that in the present case, the complainant levelled allegations that SRM Foundation is a registered society and the land in question was owned by SRM Foundation. The amount of consideration was not transferred in the account which is owned by SRM Foundation, on the contrary, the same was transferred in the account bearing Account No.1098101100603 with Canara Bank, Parliament Road, New Delhi, and account-holder of which is the applicant No.1. It is contended by the counsel that as the allegations have been levelled that the land owned by the Society i.e. SRM Foundation, was not transferred in the account of the society i.e. SRM Foundation, accordingly the case is registered.

6. It is contended by the learned counsel for the respondents that against the present applicants, there is allegation that they are indulged in the illegal activities under the garb of office-bearers of the Society having the same name. Thus, submit that these questions are required to be mulled over during the course of trial and hence, at this stage, no interference is warranted.

7. Having heard the submissions and upon considering the stands of the rival parties, it is evident that the question as regards the issue as to whether the applicants are the office-bearers of the Society and they are authorized to alienate the property of the Society, is a question which requires sifting of evidence. Such exercise is not permissible in exercise of inherent powers conferred under Section 482 of the CrPC.

8. There are catena of decisions of the Apex Court which stipulate that in exercise of power under Section 482 of CrPC, the High Court cannot conduct a mini trial and as such, at this stage this Court is not inclined to interfere in the present petition (Pl. See: *Neeharika Infrastructure Pvt. Ltd. Vs. State of Maharashtra & Ors. reported in 2021 SCC Online SC 315*)

9. In view of the preceding analysis, the present petition stands dismissed.

(MANINDER S. BHATTI)
JUDGE

ac





View Business

Daily Status

In The Court Of : VI Additional District And Session Judge

CNR Number. : MP20010202692024

Case Number. : BA/0001440/2024


G. Ramchandra Mohan Versus State

Date : 28-05-2024

Business	:	DATE 28-05-2024 JAMANAT NIRAST
Nature of Disposal	:	Order Passed, Rejected
Disposal Date	:	28-05-2024
VI Additional District and Session Judge		





Add Case 

Case History

DISTRICT AND SESSIONS COURT JABALPUR MP 

Add Note

Case Details

Case Type	BA
Filing Number	13309/2024
Filing Date	25-05-2024
Registration Number	1440/2024
Registration Date	25-05-2024
CNR Number	MP20010202692024

Case Status

First Hearing Date	27-05-2024
Decision Date	28-05-2024
Case Status	Case Disposed
Nature Of Disposal	Contested--Order Passed, Rejected
Court Number And Judge	9-VI Additional District And Session Judge