

THE HIGH COURT OF MADHYA PRADESH
M.Cr.C. No. 11978/2020
Kantilal Chouksey S/o. Lalaram Chouksey V/s. State of M.P.
-: 1 :-

Indore, dated : 23.09.2020

Applicant by Shri Raghav Shrivastava, Advocate.

Respondent/State by Ms. Priyanka Raj Panwar, Panel Advocate.

Complainant/objector by Shri Surendra Tuteja, Advocate.

ORDER

This is first application filed under Section 438 Cr.P.C. by applicant – **Kantilal Chouksey S/o. Lalaram Chouksey**, apprehending his arrest by Police in connection with **Crime No.134/2020** registered at **Police Station Kotwali, District Dewas**, concerning offence **u/s. 406, 420, 506 & 34** of the **IPC**.

2. Heard the learned counsel for the parties and perused the case diary through Video Conferencing.

3. As per prosecution story, the complainant – Jagjeet Singh Tuteja lodged the FIR in Police Station Kotwali, Dewas that he is a supplier of the building material. In the month of February, 2019, he has supplied the sand to Deepti Construction worth Rs.6,24,464/- and the said firm has not made the payment to him and unnecessary creating dispute of non-payment of GST, royalty amount. On the basis of the complaint, the Police has registered the FIR against the proprietor of the said firm – Manoj Chouksey and the present applicant. The present applicant has been made accused because he is father of the proprietor of the said firm and looking after his business.

4. Learned counsel for the applicant submits that the applicant is nowhere connected with the said firm. The said firm is

THE HIGH COURT OF MADHYA PRADESH
M.Cr.C. No. 11978/2020
Kantilal Chouksey S/o. Lalaram Chouksey V/s. State of M.P.
-: 2 :-

run by his son who is its sole proprietor. The applicant has been made accused only to pressurise the main accused. The dispute is commercial in nature and if any amount is due, the complainant can file proper proceedings before the appropriate forum and the police has registered in order to create undue pressure. Hence, the applicant is entitled for protection from his arrest.

5. On the other hand, learned counsel appearing for the complainant/objector opposes the prayer by submitting that the applicant has issued a cheque for payment of the aforesaid amount and the said cheque has been returned unpaid and for which the proceedings u/s. 138 of the Negotiable Instruments Act have been initiated and, therefore, the Police has rightly registered the FIR. The complainant is a petty contractor and a supplier. Hence, the applicant is not entitled to any protection.

6. Learned Panel Advocate appearing for the respondent/State also opposes the prayer.

7. The dispute of the complainant is with the son of the present applicant i.e. Manoj Chouksey who is sole proprietor of the firm – Deepti Construction in respect of the payment of certain amount for the material supplied by him. From the face of it, the present applicant is not concerned with the said dispute. Hence, the application deserves to be allowed.

8. Accordingly, without commenting on the merit of the case, this application is allowed. It is directed that in the event of arrest of the applicant in connection with the aforesaid crime number, he shall be released on bail upon his furnishing personal bond in the sum of **Rs.50,000/- (Fifty Thousand)** with one surety in

THE HIGH COURT OF MADHYA PRADESH
M.Cr.C. No. 11978/2020
Kantilal Chouksey S/o. Lalaram Chouksey V/s. State of M.P.
-: 3 :-

the like amount to the satisfaction of the arresting officer. This order shall be governed by the conditions No.1 to 3 of sub section (2) of section 438 Cr.P.C. The applicant shall also co-operate with the investigation.

- 8.** With the aforesaid, this M.Cr.C. stands disposed of.
C.C. as per rules.

(VIVEK RUSIA)
JUDGE

Alok/-