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HIGH COURT OF CHHATTISGARH, BILASPUR

Writ Petition (Cr.) No.204 of 2014

Devesh Singh Rajput, S/o R.M. Singh, aged about 44 years,
R/o Shastri Chowk, Akaltara, Police Station & Tahsil Akaltara,
District Janjgir-Champa (Chhattisgarh)

---- Petitioner

Versus

1. State of Chhattisgarh, through the Secretary, Ministry of Home Department, Mantralaya, Mahanadi Bhawan, Naya Raipur, District Raipur (Chhattisgarh)
2. The Director General of Police, Chhattisgarh, Police Headquarter, Raipur (Chhattisgarh)
3. The Superintendent of Police, Rajnandgaon, District Rajnandgaon (Chhattisgarh)
4. The Station House Officer, Police Station Dongargarh, District Rajnandgaon (Chhattisgarh)
5. Dr. Abhishek Sharma, S/o S.K. Sharma, aged about 40 years, Assistant Surgeon Veterinary Services, R/o Bhagat Singh Chowk, Dongargarh, District Rajnandgaon (Chhattisgarh)
6. Pallavi Meshram, D/o Avindra Meshram, aged about 27 years, Assistant Veterinary Field Officer, R/o Sanjay Nagar, Ward No.9, Dongargarh, District Rajnandgaon (Chhattisgarh)
7. Uttam Kumar Verma, S/o Guhari Ram Verma, aged about 42 years, 'Paricharak', R/o Village Ramatola, Tahsil & P.S. Dongargarh, District Rajnandgaon (Chhattisgarh)

---- Respondents

For Petitioner: Mr. V.K. Pandey, Advocate.

For State/Respondents No.1 to 4: -

Mr. Dilman Rati Minj, Deputy Govt. Advocate.

Hon'ble Shri Justice Sanjay K. Agrawal

Order On Board

02/03/2016

1. The petitioner has filed this writ petition seeking appropriate writ or direction commanding the respondent authorities to register criminal case against respondents No.5 to 7 for cognizance of cognizable offence and holding thorough and speedy investigation in the matter.
2. Mr. V.K. Pandey, learned counsel for the petitioner, would submit that though the petitioner has made a complaint to respondent No.4, yet offence against respondents No.5 to 7 has not been registered and the petitioner has also made complaint to the Superintendent of Police.
3. A bare perusal of Annexures P-6 and P-7 would reveal that complaint has been sent to the In-charge Police Station, but it is not apparent that copy of the same has actually been sent to the Superintendent of Police.
4. I have heard learned counsel for the parties and perused the material available on record.
5. Be that as it may, the petitioner has the efficacious statutory alternative remedy of approaching firstly before the Superintendent of Police under Section 154 (3) of the CrPC or other officer mentioned in Section 36 of the CrPC. Despite approaching the Superintendent of Police or other officer as mentioned in Section 36 of the CrPC, the petitioner is entitled to make an application to the Magistrate under Section 156 (3)

of the CrPC and also has a further remedy of filing complaint under Section 200 of the CrPC. The Supreme Court in like situation has deprecated the practice of directly entertaining writ petition or petition under Section 482 of the CrPC by this Court and emphasized that the Magistrate has very wide powers to direct registration of an FIR and to ensure a proper investigation in **Sakiri Vasu v. State of Uttar Pradesh and others**¹.

6. In view of the above, the petitioner has not properly approached the above stated forums as rendered in **Sakiri Vasu** (supra). I do not find any case of issuance of a writ to the police authorities to register FIR on the report made by the petitioner and the writ petition is liable to be dismissed and it is accordingly dismissed but without imposition of cost(s). However, the petitioner shall be at liberty to avail other appropriate remedies, in accordance with law for registration of FIR is concerned as indicated by the Supreme Court in **Sakiri Vasu** (supra) and also at liberty to bring to the notice of said authorities the decision rendered by the Supreme Court in **Lalita Kumari v. Government of Uttar Pradesh and others**².

Sd/-
(Sanjay K. Agrawal)
Judge

1 (2008) 2 SCC 409

2 (2014) 2 SCC 1