

NAFR

HIGH COURT OF CHHATTISGARH, BILASPUR**Writ Petition (Criminal) No. 56 OF 2016**

Beniwal Logistics, D-13, Purshottam Vihar, Gole Ka Manidir,
District Gwalior (M.P.) Branch Office Beniwal Logistics,
Parking No. 7, Kamal Motor Building, Transport Nagar,
Rawabhatha, District Raipur (C.G.) Through Shri Nagendra
Tiwari , Branch In-Charge Beniwal Logistics.

---- Petitioner**Versus**

1. State of Chhattisgarh Through Principal Secretary,
Home (Police) Department, Mantralaya, Mahanadi Bhawan,
New Raipur, District Raipur (C.G.)
2. Superintendent of Police, District Mungeli (C.G.)
3. Inspector In-Charge, Police Station Sargaon, District
Mungeli (C.G.)

---- Respondents

For Petitioner : Mr. K. Rohan, Advocate

For State : Mr. Dhiraj Wankhede, G. A. on advance copy.

Hon'ble Shri Justice Sanjay K. Agrawal**Order on Board****02/03/2016**

1. Learned counsel for the petitioner after arguing for fairly long time would submit that he may be allowed to file application under Section 156(3) of the Cr.P.C. before the jurisdictional Magistrate or complaint under Section 200 of the Cr.P.C. before the jurisdictional Criminal Court.

2. The petitioner has the efficacious statutory alternative remedy of approaching firstly before the Superintendent of Police under Section 154 (3) of the Cr.P.C. or other officer mentioned in Section 36 of the Cr.P.C. Despite approaching the Superintendent of Police or other officer as mentioned in Section 36 of the Cr.P.C., the petitioner is entitled to make an application to the Magistrate under Section 156(3) of the Cr.P.C. and also has a further remedy of filing complaint under Section 200 of the Cr.P.C. The Supreme Court in like situation has deprecated the practice of directly entertaining writ petition or petition under Section 482 of the Cr.P.C. 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 followed by this Court in a decision rendered in **Mohd. Anish Memon v. State of Chhattisgarh & Ors.**².

3. 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 Court the decision rendered by the Supreme Court in

1 (2008) 2 SCC 409

2 2009 (I) MPJR-CG 73

Lalita Kumari v. Government of Uttar Pradesh and others³.

4. With the aforesaid observation, writ petition stands disposed off. It is made clear that this Court has not expressed any opinion on merits of the matter.

Sd/-
(Sanjay K. Agrawal)
Judge

Tiwari