

NAFR

HIGH COURT OF CHHATTISGARH, BILASPUR**WPC No. 1619 of 2007**

- Anuk Das Occupation, S/o Shri Shiv Mangal, aged about 33 years, Occupation Tandel Majdoor, SECL, Chirmiri Area, District Korea (CG), R/o Doman Hill, B-20, District-Korea (C.G.)

---- Petitioner**Versus**

1. State Of Chhattisgarh through the Secretary, Department of Home, Mantralaya, D. K. S. Building, Raipur (C.G.)
2. The Inspector General Of Police, State Of Chhattisgarh, Raipur (C.G.)
3. The Superintendent Of Police Baikuntpur, District-Korea (CG)
4. Parduman Tiwari, Assistant Sub Inspector, Police Chowki Korea, Police Station, Chirmiri, District-Korea (C.G.)
5. Birbal Rajwade, Head Constable, Chowki Korea, Police Station Chirmiri, District-Korea (C.G.)
6. Deepak, Constable, Chowki Korea Police Station Chirmiri, District-Korea,

---- Respondents

For Petitioner	Shri Sunil Tripathi, Advocate
For Respondent-State	Shri Vinod Deshmukh, Dy. GA
For Respondent Nos.4 to 6	Shri Vikas Dubey, Advocate

Hon'ble Shri Justice Prashant Kumar Mishra**Order On Board****22/12/2016**

1. The present petition has been preferred seeking direction to the respondents to hold enquiry against the respondents Nos.4 to 6, register criminal case against them and transfer the said respondents to any other place out of Korea District.
2. It appears that on suspicion that the petitioner is involved in abduction of one Kamlawati, wife of Bhagwan Das, he was interrogated by the Police and later on *Istgasa* was filed by the In-charge of Police Outpost Korea, P. S. Chirmiri under Section 151 Cr.P.C. The Sub Divisional Magistrate passed an order on 09.12.2006 directing the petitioner's release on bail. The petitioner got himself medically examined on 10.12.2006 complaining beating by the Police. He was again examined on 11.12.2006 and thereafter on 08.02.2007. On all the occasions, the petitioner complained that the Police is torturing him. It is the stand of the petitioner that the members of the locality have made complaint to the Hon'ble Governor, on which the matter was referred for enquiry, however, no action was taken against the respondents Nos.4 to 6. Therefore, this Court should exercise jurisdiction under Article 226 of the Constitution of India to direct an enquiry against the said respondents, register criminal complaint and punish them as also to transfer them outside the district.
3. Learned State counsel would draw attention of the Court to the enquiry report (Annexure-R-1/1), which was conducted

by the SDO (P), Manendragarh and was submitted before the Superintendent of Police, Korea. In the enquiry report, it has been found that the allegations against the respondent Nos.4 to 6 are without any foundation. It is not disputed by the petitioner that the respondent Nos.4 to 6 have now been posted out of Korea District.

4. Having heard learned counsel for the parties and on perusal of the documents filed with the petition and the return as well, it appears that the matter has been enquired at the appropriate level, therefore, no fresh enquiry is needed on the same subject matter. If the petitioner alleges and seeks for criminal action against the respondents, he would be at liberty to lodge criminal complaint under Section 200 Cr.P.C., because for proving the facts alleged by the petitioner, some finding on disputed questions would be needed, which cannot be undertaken in this jurisdiction under Article 226 of the Constitution of India.
5. The writ petition stands disposed of with the above observation.

Sd/-

JUDGE

PRASHANT KUMAR MISHRA