

HIGH COURT OF CHHATTISGARH, BILASPUR**Writ Appeal No. 163 of 2016**

1. Breejesh Kumar Singh @ Brajesh Kumar Singh S/o Shri Umakant Singh, Aged About 46 Years

2. Guddi Singh W/o Shri Breejesh Kumar Singh @ Brajesh Kumar Singh, Aged About 27 Years

Both R/o Vivekanand Nagar Nigam Colony, Near Maharana Pratap Chowk Bilaspur Police Station Civil Line, District Bilaspur Chhattisgarh Present Address College Chowk, Hardi Bazar, Police Station Kusmunda, District Korba Chhattisgarh

---- Appellants

Versus

1. State Of Chhattisgarh Through: The Secretary, Department Of Home And Police, Mantralaya, Mahanadi Bhawan, Raipur, (Chhattisgarh)
2. The Director General Of Police, Raipur District Raipur Chhattisgarh
3. The Inspector General Of Police, Bilaspur, District Bilaspur Chhattisgarh
4. The Collector, Korba, District Korba, Chhattisgarh
5. The Superintendent Of Police, Korba, District Korba, Chhattisgarh
6. The City Superintendent Of Police, Darri, District Korba Chhattisgarh
7. The Station House Officer, Police Station Kusmunda, District Korba Chhattisgarh
8. The Out Post In Charge, Police Out Post Hardi Bazar, Police Station Kusmunda, District Korba Chhattisgarh
9. Shri Rupesh Narang, The Out Post In Charge, Police Out Post Haradi Bazar, Police Station Kusmunda, District Korba Chhattisgarh
10. Shri Raj, Assistant Police Inspector, Police Out Post Hardi Bazar, Police Station Kusmunda, District Korba Chhattisgarh
11. Shri Akhilesh Pandey S/o Late Shri Ganga Prasad Pandey Aged About 50 Years R/o College Chowk Hardi Bazar, Police Station Kusmunda, District Korba Chhattisgarh
12. Smt. Mamata Pandey W/o Shri Akhilesh Pandey, Aged About 45 Years R/o College Chowk Hardi Bazar, Police Station Kusmunda, District Korba Chhattisgarh
13. Diksha Pandey D/o Shri Akhilesh Pandey, Aged About 19 Years R/o College Chowk Hardi Bazar, Police Station Kusmunda, District Korba Chhattisgarh
14. Smt. Devkumari Rathour W/o Shri Pramod Rathour, Aged About 45 Years R/o College Chowk Hardi Bazar, Police Station Kusmunda, District Korba Chhattisgarh

---- Respondents

For Appellants : Shri Rishi Rahul Soni, Advocate.
For Respondent/State : Shri Prafull N Bharat, Additional Advocate General
and Shri R.K.Gupta, Deputy Advocate General.

Hon'ble Shri Navin Sinha, Chief Justice
Hon'ble Shri Goutam Bhaduri, J.

Judgment on Board

Per Navin Sinha, Chief Justice

28/03/2016

1. The present appeal arises from order dated 17.2.2016 dismissing Writ Petition (Cr) No. 27 of 2016.
2. Learned Counsel for the Appellants submits that the police has wrongly declined to register a First Information Report. On the contrary, proceedings have been registered against the Appellants under Section 107 and 116(3) of the CrPC. Appellant No. 1 had sustained injuries evident from the MLC report. Respondent No. 11 had intruded into the house of the Appellants and indulged in assault.
3. Learned Additional Advocate General points out that the parties are neighbours. The dispute between them was with regard to throwing of garbage. Proceedings under Section 107 and 116(3) of the CrPC have been initiated against both of them. The injury claimed to have been sustained by Appellant No. 1 are simple in nature. The Learned Single Judge has adequately observed the remedies available to the Appellants.
4. We have considered the submissions on behalf of the Appellants. The controversy arises from a petty dispute between neighbours with regard to throwing of garbage. Proceedings have been initiated by the police under Section 107 and 116(3) of the CrPC against both sides for maintaining peace and good behaviour. It cannot be said that the police has not paid any heed to

the complaint by the Appellants. We have examined the injury report of the Appellant No. 1 but refrain from any observations lest it may prejudice him.

5. In the entirety of the matter and in view of the observation by the Learned Single Judge of the remedies available to the Appellants, if so advised, we find no reason to interfere.

6. The appeal is dismissed.

Sd/-
(Navin Sinha)
CHIEF JUSTICE

Sd/-
(Goutam Bhaduri)
JUDGE