

NAFR

HIGH COURT OF CHHATTISGARH, BILASPUR

WPC No. 1081 of 2016

1. D.K.Singh S/o Shri Shripal Singh, Aged About 57 Years
Presently Working As Executive Engineer, At Balrampur,
R.E.S. Division Balrampur, Tah. & District Balrampur Civil And
Revenue District Balrampur Chhattisgarh
2. R. Patel, S/o Shri Ramsiya Patel, Aged About 63 Years
Retired Sub Engineer, Water Resources Department R/o
Village Padar, Tah. Mauganj, District Reewa, M.P.

---- Petitioners

Versus

1. State Of Chhattisgarh Principal Secretary, Panchayat And
Rural Development Department, Government Of Chhattisgarh,
Mahandi Bhavan, Mantralaya, New Raipur Chhattisgarh
2. Collector, Bilaspur, District Bilaspur Chhattisgarh
3. Chief Executive Officer, Zila Panchayat Bilaspur, District
Bilaspur Chhattisgarh
4. Executive Engineer, R.E.S. Division, Marwahi, Head, Quarter,
Pendra District Bilaspur Chhattisgarh
5. Sub Divisional Officer, Revenue, Pendra District Bilaspur
Chhattisgarh
6. Chief Executive Officer, Janpad Panchayat Marwahi, District
Bilaspur Chhattisgarh

---- Respondents

For Petitioners	:	Mr. M.K. Sinha, Advocate.
For State	:	Mr. B. Gop Kumar, Dy. A.G.

Hon'ble Shri Justice Manindra Mohan Shrivastava

Order on Board

27/04/2016

Heard on admission.

1. This petition has been filed by the petitioners for quashing
communication dated 12.02.2016 (Annexure P/1) by which

respondent No.3 has instructed the Executive Engineer to lodge FIR against the petitioners.

2. Learned counsel for the petitioners submits that the allegation that petitioners are involved in any embezzlement of public fund is wholly baseless. He submits that earlier when certain recoveries were ordered, the petitioners have already deposited the amount in departmental action. It is submitted that the departmental action having already been taken and recovery having already been made, no instructions could be issued to lodge FIR.

3. On the other hand, learned counsel for the State opposes and submits that a direction to submit a report in the police station could not be called in question at this stage. If there is any offence registered against the petitioners, they would have cause of action.

4. This Court cannot restrain the respondents from reporting the matter to the police on their own satisfaction of embezzlement of public fund. Merely because certain recoveries were ordered against the petitioners, that by itself, does not entitle the petitioners to raise any challenge at this stage.

5. In case, any report is made, it would be for the police authority to make proper enquiry to find out whether a case of registration of offence is made out or not. It is only when the offence is registered against the petitioners, the petitioners would have cause of action to challenge the same in appropriate proceeding.

6. With the aforesaid liberty, the petition is disposed off.

Sd/-
(**Manindra Mohan Shrivastava**)
J U D G E