

HIGH COURT OF CHHATTISGARH, BILASPUR

WPCR No. 406 of 2017

Premchand Kaushik, S/o. Shri Ramkumar Kaushik, Aged About 45 Years,
Occupation Ex-President Seva Sahkari Samiti, Dhardei, P.S. & Tahsil
Pathariya, Civil & Revenue District Mungeli, Chhattisgarh.

---- Applicant

Versus

1. State Of Chhattisgarh, Through Secretary, Home Department, Mahanadi Bhawan, Capital Complex, Mantralaya, Naya Raipur, District Raipur, Chhattisgarh
2. Collector, (Food Department), Mungeli, District Mungeli, Chhattisgarh
3. Sub Divisional Officer (Revenue), Pathariya, District Mungeli, Chhattisgarh
4. Food Inspector, Pathariya, District Mungeli, Chhattisgarh
5. Shri Kedar Dhruv, Salesman Seva Sahkari Samiti, Dhardei, P.S. & Tahsil Pathariya, Civil & Revenue District Mungeli, Chhattisgarh
6. Shri Kartik Dhruv, Society Manager, Seva Sahkari Samiti, Dhardei, P.S. & Tahsil Pathariya, Civil & Revenue District Mungeli, Chhattisgarh

---- Respondents

For Petitioner : Mr. Sumit Shrivastava, Advocate

For State/ Respondents : Mr. Neeraj Sharma, Govt. Advocate
No.1 to 4.

Hon'ble Shri Justice Goutam Bhaduri

Order On Board

06.11.2017

Heard

1. Learned State counsel on information submits that the enquiry is being conducted in respect of the complaint by the S.D.O.
2. In view of the prayer to register FIR against respondent No.5 & 6, at this stage, any finding by this Court may prejudice the right of the parties. It is expected that if the cognizable offence is made out then the FIR would be registered and the respective aggrieved person may take a resort to Section 156(3) of Cr.P.C. and file a complaint before concerned Magistrate. This is not the stage to

give a finding as it appears that the petition is premature and if the prayer like nature is entertained then the High Court would be flooded with such petitions. The petition is not maintainable at this stage as alternative remedy is available to the petitioner. The principle is laid down in case of *Sudhir Bhaskarrao Tambe v. Hemant Yashwant Dhage & Others* reported in 2016 (6) SCC 277.

3. In view of the submission made by the State counsel, the petition is disposed of at this stage. The petitioner may seek appropriate remedy as available to him under the statute.

Sd/-
(Goutam Bhaduri)
Judge