

**HIGH COURT OF CHHATTISGARH, BILASPUR****WPCR No. 292 of 2016**

- Hemshankar Deshlahara S/o Late Shri D. Deshlahara, Aged About 54 Years, Posted As Ex-Chief Municipal Officer, Municipal Council Tilda, Newra, Raipur, Distirct Raipur Chhattisgarh

**---- Petitioner****Versus**

1. State Of Chhattisgarh Thorough Secretary Home Department, Mahanadi Bhwan, New Raipur Distirct Raipur Chhattisgarh
2. Inspector General Of Police, Raipur, District Raipur Chhattisgarh
3. Superintendent Of Police, Raipur, District Raipur Chhattisgarh
4. Station House Officer, Police Staiton Tilda Newra, Distirct Raipur Chhattisgarh
5. Mahesh Agrawal, President, Nagar, Panchayat, Municipal Council, Tilda, Newra, Tahsil Tilda, Distirct Raipur, Chhattisgarh
6. Laxminarayan Verma, Vice President, Nagar, Panchayat, Municipal Council, Tilda, Newra, Tahsil Tilda, Distirct Raipur, Chhattisgarh
7. Vijay Sonu Markandey Councillor, Nagar, Panchayat, Municipal Council, Tilda, Newra, Tahsil Tilda, Distirct Raipur, Chhattisgarh
8. Manohar Gahani, Councillor, Nagar Panchayat, Municipal Council, Tilda, Newra, Tahsil Tilda, Distirct Raipur, Chhattisgarh
9. Surajnarayan Sharma, Councillor, Nagar Panchayat, Municipal Council, Tilda, Newra, Tahsil Tilda, Distirct Raipur, Chhattisgarh

**---- Respondents**


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| For Petitioner                  | : | Shri Anoop Majumdar, Advocate. |
| For Respondents No.1 to 4/State | : | Shri Anil S. Pandey, Advocate. |

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**Hon'ble Shri Justice Rajendra Chandra Singh Samant****Order On Board****11/08/2017**

Heard.

1. Learned counsel for petitioner submits that petitioner was posted as Chief Municipal Officer at Tilda and he was performing his duty with sincerity and

honesty. The respondents being a President, Vice President and the Councilors of Municipal Council, Tilda used to put pressure on him for performing illegal act and for misusing his authority. On 19.07.16 at about 1:00 p.m. in the afternoon, private respondents entered into his office abused and insulted him by his caste name, as the petitioner belongs to the category of Scheduled Caste. The private respondents also threatened him and assaulted him causing injuries. On his report, FIR has been lodged registering only offence under Sections 294, 323 and 506/34 of Indian Penal Code (for short 'IPC'), even though petitioner has specifically mentioned that he was insulted by his caste name by the private respondents. The offence under Section 3 (1) (x) of Scheduled Castes & Scheduled Tribes (Prevention of Atrocities) Act, 1989 (for short 'the Act, 1989') has not been registered. Hence, this petition with prayer that order may be passed to initiate disciplinary action against the erring police officers, who have failed to perform their duties and the investigation be assigned to some other independent agency.

2. Counsel for State has opposed the arguments submitted on behalf of petitioner.
3. Counsel for private respondents have also opposed the submission made on behalf of the petitioner, it is submitted that petitioner is habitual in falsely implicating persons, who soever raise voice against his illegal activities and activities of his financial irregularities committed by him, hence, the petition is not maintainable.
4. Both the parties are heard and perused the documents on record.
5. Considering the submissions and documents placed on record, it is a fit case to be disposed off with directions, hence, the petition is allowed at the motion stage.
6. Respondents No.1 to 4 are directed to consider on the allegations made by the petitioner in the FIR lodged by him and the statement recorded of him under Section 161 Cr.P.C. and come to a conclusion with respect to alleged offence whether it is made out or not also keeping in view Section 4 of the Act, 1989, which provides that a public servant who not being a member of Scheduled Castes and Scheduled Tribes willfully neglects his duty required to be performed by him under this Act shall be a punishable offence.

7. With these directions, this petition is disposed off at the motion stage itself.

Sd/-

**(Rajendra Chandra Singh Samant)**

JUDGE

Nisha