

HIGH COURT OF CHHATTISGARH, BILASPUR

WPCR No.70 of 2017

- Anil Kumar Verma S/o Late Shri Naresh Kumar Verma, Aged About 63 Years Retired Executive Engineer, Rural Engineering Services, R/o Behind Lafa Gas Godown, Shubham Vihar, Mangla, Bilaspur, District Bilaspur, (Chhattisgarh)

---- Petitioner

Versus

1. State Of Chhattisgarh Through The Secretary, Department Of Panchayat And Rural Development, Mantralaya, Mahanadi Bhawan, Naya Raipur, Distt. Raipur, (Chhattisgarh)
2. Joint Secretary, Department Of Panchayat And Rural Development, Mantralaya, Mahanadi Bhawan, Naya Raipur, Distt Raipur, (Chhattisgarh)
3. Chief Engineer, Rural Engineering Services, Development Commissioner Office, Civil Lines, Raipur, (Chhattisgarh)
4. Superintendent Engineer, Rural Engineering Services Division, Ambikapur, District Surguja, (Chhattisgarh)

---- Respondents

For Petitioner	:	Shri Amrito Das, Advocate
For Respondent/State	:	Shri Neeraj Shrivastava, GA

Hon'ble Shri Justice Manindra Mohan Shrivastava

Order On Board

22/02/2017

Heard.

2. This petition has been filed by the petitioner challenging impugned communication dated 27-01-2017 (Annexure P/1), by which, the Joint Secretary, State of Chhattisgarh, Department of Panchayat and Rural Development has ordered the Chief Engineer to lodge FIR against the petitioner.

3. Learned counsel for the petitioner submits that the direction came to be issued only when in the pending writ petition, this Court passed an order for final disposal of the petition filed by the petitioner in the matter of non-release of his pensionary benefits.

4. At present, no FIR has been lodged against the petitioner. In fact, no law requires that any enquiry should be held and notice should be given to the petitioner before lodging of FIR. At this stage, all that has been done is to direct lodging of FIR against the petitioner. Therefore, I am not inclined to interfere with the impugned order.

5. Learned counsel for the petitioner raises an apprehension that the report submitted by the Officer of the Department shall be treated as mandatory for the police official to necessarily register the offence.

6. The apprehension of the petitioner is without any basis. Whenever any report is lodged in the police station alleging commission of offence, the matter is within the jurisdiction of the police official to hold enquiry/investigation in the matter and decide as to whether a case is made out for registration or not. It is expected that every authority shall act in accordance with law.

7. Subject to the aforesaid observation, the petition is dismissed.

Sd/-
(Manindra Mohan Shrivastava)
Judge