

HIGH COURT OF CHHATTISGARH, BILASPUR**Writ Appeal No. 174 of 2017**

(Arising out of order dated 20.04.2017 in Writ Petition (Cr.) No. 138 of 2017 of the learned Single Judge)

- Rajesh Kumar Chopda S/o Moolchandji Chopda, Aged About 46 Years R/o Station Road, Balod (Chhattisgarh).

---- Appellant

Versus

1. State Of Chhattisgarh Through The Secretary, Ministry Of Home, Secretariat, Capital Complex, Mahanadi Bhawan, Naya Raipur, District Raipur (Chhattisgarh).
2. Director General Of Police, Police Head Quarter, Indrawati Bhawan, Naya Raipur, District Raipur (Chhattisgarh).
3. The Inspector General Of Police, Balod, District Balod (Chhattisgarh).
4. The Superintendent Of Police, Balod, District Balod (Chhattisgarh).
5. Station House Officer. Police Station City Kotwali, Balod District Balod (Chhattisgarh).
6. Yagyadutt Sharma, S/o Shri Rameshwar Sharma, Aged About 51 Years President, Primary Laghu Vanopaj Cooperative Society, Balod (Chhattisgarh).
7. Nirendra Kumar Yadav, Society Manager, Primary Laghu Vanopaj Cooperative Society, Balod (Chhattisgarh).
8. Akhilesh Tiwari, Contractor, R/o Station Road, Balod (Chhattisgarh).
9. Vinod Sharma, Contractor, Jawahar Market, Cloth Market, Balod (Chhattisgarh).
10. Murlidhar, Contractor, C/o Primary Laghu Vanopaj Cooperative Society, Balod (Chhattisgarh).

---- Respondents

For Appellant	:	Shri Malay Shrivastava, Advocate
For State	:	Shri R.K. Gupta, Dy. Advocate General

Hon'ble Thottathil B. Radhakrishnan, Chief Justice

Hon'ble Shri Justice Arvind Singh Chandel

Order on Board

Per Thottathil B. Radhakrishnan, Chief Justice

04.10.2017

1. This writ appeal is instituted challenging the order of learned Single Judge refusing to issue directions for registration of a complaint and initiating further action.
2. Though we have heard the learned counsel for the Appellant and the learned Deputy Advocate General on different aspects of the matter including the question as

to whether the writ petition was rightly dismissed having regard to the law laid by the Apex Court in **Sakiri Vasu Vs. State of Uttar Pradesh and Others**¹ it is suffice for us to notice that the return has been filed by the official respondents pointing among other things, in paragraph No. 5 thereof that on 17.07.2017, following the earlier communications, a letter was written to the Co-operative Society against which the complaint is made. This obviously shows that the jurisdictional police is looking into the viability of the complaint of the petitioner being registered, if permissible, in accordance with law. Under such circumstances, the writ appeal is ordered directing that the complaint stated to have been filed by the Appellant before the 5th Respondent shall be looked into and requisite action be proceeded with to ascertain whether it has to be registered as an FIR, in the event of it disclosing the requisite ingredients of a cognizable offence. If a decision is taken to the contrary, the Petitioner will be duly informed about it, so that he can pursue other remedies in the light of the decisions referred to by the learned Single Judge in the impugned judgment. Let this be done within a period six months from the date of receipt of a copy of this order. However, it is further directed that any such action shall be without reference to any observations in this judgment made on merits of the contentions of the Petitioner/Appellant.

Sd/-

(Thottathil B. Radhakrishnan)
Chief Justice

Sd/-

(Arvind Singh Chandel)
Judge

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1 (2008) 2 SCC 409