

NAFR

HIGH COURT OF CHHATTISGARH, BILASPUR**Writ Appeal No. 148 of 2016**

- Baldev Singh Malva S/o Late Preetam Sinhg Malva, Aged About 76 Years R/o Malwa Market, G.E. Road, Durg, Tahsil And District Durg (Chhattisgarh)

---- Appellant**Versus**

1. State Of Chhattisgarh Through, The Secretary, Home Department, Mahanadi Bhavan, Mantralaya, New Raipur, District Raipur (Chhattisgarh)
2. The Superintendent Of Police, Durg, District Durg (Chhattisgarh)
3. The Station House Officer, Police Station Mohan Nagar, Durg, District Durg (Chhattisgarh)
4. Kishan Lal Ahuja S/o Kanhaiya Lal Ahuja, Aged About 42 Years Gurunanak Nagar, Station Road, Durg, Tahsil And District Durg (Chhattisgarh)

---- Respondents

For Appellant	:	Mr. B.P. Singh, Advocate
For State	:	Mr. B. Gopa Kumar, Dy. Advocate General

Hon'ble Shri Thottathil B. Radhakrishnan, Chief Justice
Hon'ble Shri Justice P. Sam Koshy

Judgment on Board**Per Thottathil B. Radhakrishnan, Chief Justice****28.03.2017**

1. This Writ Appeal is against the judgment of learned Single Judge refusing to interfere at the instance of the Appellant in an issue related to registration of crime.
2. Before further proceeding with the case, we may record that the predominant view through the judgments is that there can be no intra-Court appeal to the Division Bench from a matter dealt with by the Single Judge in relation to a criminal case. Be that as it may we proceed indicating that we are not finally

concluding any of the issues in relation to the case in hand.

3. Learned Single Judge noticed that the Petitioner had reported an occurrence on 24.10.2015 against Respondent No.4 and thereafter another incident was reported to Respondent No. 3, the Station House Officer on 16.01.2016. Learned Single Judge followed the ratio of the decision of **Sakiri Vasu v. State of Uttar pradesh and Others**¹ held that in terms of provisions of Section 154, 156 and 200 of the Cr.P.C. the Petitioner has adequate efficacious remedy by way of recourse to the competent authorities. Liberty was also given to bring to the notice of the competent authority the decision of the Apex Court in **Lalita Kumari v. Government of Uttar Pradesh and Others**².
4. Having considered the contents of the Judgment of learned Single Judge in the light of the materials and the pleadings in the Writ Petition, we do not see that the learned Single Judge has erred either in law or in jurisdiction in refusing to interfere and direct the Police Officers to register a Criminal Case. We are of the view that the Petitioner has other efficacious remedy open to him in terms of the laws, for appropriate relief.
5. For the aforesaid reasons this Writ Appeal fails. In a result the Writ Petition is dismissed.

Sd/-
(Thottathil B. Radhakrishnan)
Chief Justice

Sd/-
(P. Sam Koshy)
Judge

Kishore

1 (2008) 2 SCC 409

2 (2014) 2 SCC 1