

NAFR

HIGH COURT OF CHHATTISGARH, BILASPUR**WPCR No. 43 of 2018**

- Narmada Singh Rajput S/o Ghanshyam Singh Rajput Aged About 36 Years Occupation Service, Posted As Secretary, Gram Panchayat Pratappur, Police Station Lalpur, Janpad Panchayat Mungeli, Civil And Revenue District Mungeli, Chhattisgarh.

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

1. State of Chhattisgarh Through District Magistrate, Mungeli, District Mungeli Chhattisgarh.
2. Rajkumar Kashyap S/o Gopal Kashyap aged about 48 years
3. Umesh Kashyap S/o Thanwar Ram Kashyap Aged About 35 Years
4. Kamlesh Kashyap S/o Rampratap Kashyap Aged About 41 Years
5. Uttam Kashyap S/o Gopal Prasad Kashyap Aged About 40 Years
6. Ravikant S/o Netram Kashyap Aged About 46 Years

Respondents No.2 to 6 all are R/o Village Jarhagaon, Police Station Jarhagaon, Tahsil Mungeli District Mungeli, Chhattisgarh

---- **Respondents**

For Petitioner	:	Shri Sunil Sahu, Advocate
For Respondents-State	:	Shri Adhiraj Surana, Dy. GA for the State

Hon'ble Shri Justice Goutam Bhaduri**Order On Board****25/01/2018**

1. Heard.
2. The instant petition is for quashing the order dated 29.11.2017, whereby a report has been called from the police for primary investigation by the Chief Judicial Magistrate on a complaint filed by the respondents.

3. Learned counsel for the petitioner would submit that initially the respondent/complainant No.2 to 6 have raised allegations against the petitioner on which some cognizance has been taken by the SDO and if the SDO is satisfied, the entire jurisdiction would be within the domain of the SDO. Consequently, no separate proceeding can be initiated.
4. I have perused the prayer.
5. As per the law laid down in the matter of ***HDFC Securities Ltd. and others Vs. State of Maharashtra and another {AIR 2017 SC 61}*** wherein it has been held that the stage of cognizance would arise only after investigation report is filed before Magistrate. Order directing investigation do not cause an injury of irreparable nature.
6. Therefore, as per the facts of this case wherein only investigation report has been called, which cannot be stated to be causing irreparable injury to the petitioner. The petition appears to be premature in nature. It is accordingly dismissed.

Sd/-

Goutam Bhaduri

Judge

Ashu