

## HIGH COURT OF CHHATTISGARH, BILASPUR

**WPCR No. 339 of 2017**

Maya Ram Sahu S/o Late Arjun Das, Aged About 28 Years R/o  
Village Dahida, Nawagarh, District Bilaspur Chhattisgarh ----

**Petitioner**

**Versus**

1. State of Chhattisgarh through Its Secretary, Department of School Education, Secretariat At Mahanadi Bhawan, New Raipur, District Raipur Chhattisgarh,
2. Commissioner, Bilaspur Division, District Bilaspur Chhattisgarh,
3. Collector, Janjgir Champa District Janjgir Champa, Chhattisgarh.,
4. Superintendent of Police, Janjgir Champa District Janjgir Champa, Chhattisgarh.
5. District Education Officer, Sakti, District Janjgir Champa Chhattisgarh.
6. District Education Officer, Janjgir Champa District Janjgir Champa, Chhattisgarh.
7. Block Education Officer, Sakti, District Janjgir Champa Chhattisgarh.

**--- Respondents**

---

|                     |   |                                   |
|---------------------|---|-----------------------------------|
| For the petitioner  | : | Mr. J. P. Shukla, Advocate        |
| For Respondent No.1 | : | Mr. N. K. Chaterjee, Advocate     |
| For the State       | : | Mr. Adhiraj Surana, Dy.Govt. Adv. |

---

**Hon'ble Shri Justice Goutam Bhaduri**

**Order on Board**

**20.03.2018**

1. Heard.
2. In this writ petition filed under Article 226 of the Constitution of India, prayer has been made to quash the communications dated 04.09.2017 and 15.03.2017 (Annexure P-1) whereby the direction has been given to lodge the FIR.
3. Learned counsel for the petitioner submits that no opportunity of hearing was given to the petitioner before

such direction was issued. A perusal of the Annexure P-1 would show that it is a letter/communication addressed by the Block Education Officer to the SHO, Sakti citing reference numbers to lodge the FIR against the petitioner's Firm. Another communication dated 15.03.2017 which is under challenge was also a letter written by the D.E.O., Sakti, to Block Education Officer wherein it has been directed that though the amount was paid in lieu of supply of uniforms which was made but no such Firm actually exists and therefore the FIR is directed to be lodged. It appears that the FIR is yet to be lodged. Therefore, the direction which has been given to lodge the FIR cannot be interfered by the Court. After lodging of the FIR whether the case is made out or not is a different issue. The petition is premature and the relief(s) as sought in the petition cannot be granted to restrain the operation of the provisions contained in the Code of Criminal Procedure Code.

4. Accordingly, the petition has no merit and it is dismissed.

**Sd/-**  
**GOUTAM BHADURI**  
**JUDGE**