

NAFR

HIGH COURT OF CHHATTISGARH, BILASPUR**WPCR No. 126 of 2018**

Vinod Kumar Bagade S/o S/o Shri Paras Ram Bagade Aged About 44 Years Occupation- Service (Posted As Rural Health Organizer, Community Health Centre, Dongarhgarh, District- Rajnandgaon), R/o Shanti Nagar, Ward No. 10, Rajnandgaon, P. S. Chikli, Tehsil Rajnandgaon District- Rajnandgaon, Chhattisgarh. --- **Petitioner**

Versus

1. State of Chhattisgarh Through Secretary, Department Of Home Affairs (Police), Mahanadi Bhawan, Naya Raipur, District- Raipur, Chhattisgarh.
 2. Superintendent of Police, Rajnandgaon, District- Rajnandgaon, Chhattisgarh.
 3. Station House Officer, Police Station Dongargarh, District- Rajnandgaon, Chhattisgarh
- **Respondents**

For Petitioner	:	Shri Surfaraj Khan, Advocate
For Respondents-State	:	Shri Adhiraj Surana, Dy.G.A.

Hon'ble Shri Justice Goutam Bhaduri**Order On Board****28-02-2018**

1. By this writ petition filed under Article 226 of the Constitution of India, the petitioner seeks a direction to quash the FIR dated 18.02.2018 wherein the offence punishable u/s 295-A of IPC has been registered for publishing and circulating derogatory remarks by the petitioner against the 'God' and 'Goddess'.
2. Learned counsel for the petitioner would submit that before registration of the FIR, the State is duty bound to follow the procedure u/s 95 of the Code of Criminal Procedure read with section 196(3) of Cr.P.C. and without that section 295-A of IPC

cannot be invoked.

3. Perused the FIR wherein the report has been made that the allegations have been made to the extent that the petitioner has made certain derogatory statements and remarks against the 'God' and 'Goddess'. Therefore, prima facie case u/s 295-A of IPC was registered. The argument advanced by the learned counsel for the petitioner that prior to registration of offence u/s 295-A of IPC, the enquiry should have been conducted u/s 95 read with section 196(3) of Cr.P.C appears to be completely misconceived since sections 95, 196(3) of Cr.P.C. & section 295-A IPC operates in different fields. Section 95 & 196(3) would come into play to stop such publication and deals with seizure of objectionable printing. Whereas, section 295 is independent section wherein when the offence is committed, it may be pressed into motion separately without the aid of section 95 of Cr.P.C. or section 196(3) of Cr.P.C. Thus reading of the FIR, I do not find any reason to quash the proceedings of FIR and to stop the investigation at the threshold. The petition is misconceived and it is dismissed.

**Sd/-
Goutam Bhaduri
Judge**