

NAFR

HIGH COURT OF CHHATTISGARH, BILASPUR**WA No. 522 of 2018**

Basant Sharma S/o Late Dashrath Lal Sharma Aged About 50 Years Chairman Of D.L.S. College, Parth Shishan Samitte, Ashok Nagar Sarkanda Bilaspur, P.S. Sarkanda, Tahsil And District Bilaspur, Chhattisgarh

---- Appellant**Versus**

1. State Of Chhattisgarh Through Department Of Home (Police) Mantralaya, Naya Raipur, District Raipur, Chhattisgarh
2. Director General Of Police Head Quarter Raipur, District Raipur, Chhattisgarh
3. Inspector General Of Police Rang-Bilaspur, District Bilaspur, Chhattisgarh
4. Superintendent Of Police District Bilaspur, Chhattisgarh
5. Station House Officer Sarkanda, Bilaspur, District Bilaspur, Chhattisgarh
6. Station House Officer Civil Line, Bilaspur, district Bilaspur, Chhattisgarh
7. Dr. Indu Anant W/o Vinod Anant Aged About 55 Years Presently Working As Registrar Of Bilaspur University, R/o Mata Mandir Chowk, Jarhabhata, P.S. Civil Line, Tahsil And District Bilaspur, Chhattisgarh

---- Respondents

For Appellant : Shri Avinash K. Mishra, Advocate
 For Respondent/State : Shri UNS Deo, Government Advocate.

Hon'ble Shri Thottathil B. Radhakrishnan, Chief Justice
Hon'ble Shri Parth Prateem Sahu, Judge

Order on Board**Per Thottathil B. Radhakrishnan, Chief Justice****18/06/2018**

1. This writ appeal is instituted by the Appellant/writ Petitioner who sought a relief against what he calls as registration of multiple First Information Reports.
2. Hearing the learned counsel for the Appellant and the learned Government Advocate, we are inclined to think that though the niceties of jurisdiction under

Section 482 of the Code of Criminal Procedure and under Article 226 of the Constitution of India may be germane for consideration, it is too early for the Petitioner to have obtained a judgment of the nature which has been handed down by the learned Single Judge. We make this cautious statement in view of the nature of allegation in the so-called first FIR *vis a vis* further proceedings which have been initiated against the Petitioner. The learned counsel for the Appellant points out that the so-called victim of the alleged criminal activity is not even an informer. We leave this point there. On the whole, we are satisfied that the learned Single Judge was justified in taking the view that this is not a matter which warranted interference under Article 226 of the Constitution, more particularly because it related to appreciation of materials and possible views emanating out of the case diary and other relevant files. In the fitness of things, it is most appropriate that the matter is left to the domain of the criminal Court concerned. This will enable the Petitioner to seek appropriate remedy from that Court even at the pre-trial stage.

3. Hence, this writ appeal is ordered affirming the view of the learned Single Judge that the case in hand does not call for interference under Article 226 of the Constitution, however, clarifying that nothing stated in the judgment of the learned Single Judge will stand against the Petitioner or the informant or the so-called victim or any other person involved in the criminal proceedings, if any matter is to be adjudicated in criminal jurisdiction.

4. The writ appeal is ordered accordingly.

Sd/-

(Thottathil B. Radhakrishnan)
CHIEF JUSTICE

Sd/-

(Parth Prateem Sahu)
JUDGE