

HIGH COURT OF CHHATTISGARH AT BILASPURWPS No. 4056 of 2018

1. D.R. Thakur S/o Shri D.D.S. Thakur, Aged About 53 Years, R/o LIG - 13/C, Nehru Nagar, Bilaspur, Police Station - Civil Line, Tahsil And District Bilaspur Chhattisgarh.
2. Krishna Kumar Tandon S/o Shri J.R. Tandon, Aged About 41 Years, R/o Maharana Pratap Nagar, Yadunandan Nagar, Police Station Sakri, Bilaspur, Tahsil And District Bilaspur Chhattisgarh.
3. Kuman Singh Bhagat S/o Late Shri Prabhulal Bhagat, Aged About 32 Years, R/o Police Line, Mungeli, Police Station - City Kotwali, Mungeli, District Mungeli Chhattisgarh.

---Petitioners

Versus

1. State Of Chhattisgarh Through Its Secretary, Department Of Home (Police), Mahanadi Mantralaya, Police Station And Post - Rakhi, New Raipur, District Raipur Chhattisgarh.
2. Director General Of Police (D.G.P.) Police Headquarters (PHQ), Near Mahanadi Mantralaya, Police Station And Post - Rakhi, New Raipur, District Raipur Chhattisgarh.
3. Inspector General Of Police (I.G.P.) Office Of Inspector General Of Police (I.G.P.), Bilaspur Range, Near Nehru Chowk, Bilaspur, District Bilaspur Chhattisgarh.
4. Superintendent Of Police (S.P.) Office Of Superintendent Of Police (S.P.), Mungeli, District Mungeli Chhattisgarh.

---Respondents

For petitioners	:	Shri Abhishek Pandey, Advocate.
For State	:	Shri Shashank Thakur, Government Advocate.

Hon'ble Shri Justice P. Sam Koshy

Order on Board

19/06/2018

1. With the consent of the parties, the matter was heard finally.
2. The challenge in the present Writ Petition is to the chargesheet dated 06/03/2017 issued by the Inspector General of Police, Bilaspur.

3. The ground of challenge by the petitioner is that, the Inspector General of Police is not the competent authority to issue a chargesheet in view of the regulation 228 of the Chhattisgarh Police Regulation.

4. The issue raised by the petitioner in the instant Writ Petition stands squarely covered by the judgment of this Court passed in WPS No.4209/2015 decided earlier on the day wherein relying upon the decision of the Madhya Pradesh High Court on parametric provision, the chargesheet under similar facts has been set aside/quashed by this Court.

5. Thus, this Court is inclined to take same view in the present case also.

6. Accordingly, the present Writ Petition also stands allowed to the extent that the impugned chargesheet dated 06/03/2017 stands set-aside/quashed on the ground that the I.G.P. is not the competent authority to issue a chargesheet and it is only the Superintendent of Police who can issue a chargesheet.

7. Reserving the right of the respondents for taking appropriate steps in case if they so desire, the Writ Petition stands allowed in terms of the order passed by this Court in WPS No.4209/2015.

8. The Writ Petition accordingly stands allowed and disposed off.

Sd/-

(P. Sam Koshy)
JUDGE