

HIGH COURT OF CHHATTISGARH, BILASPUR**CRMP No. 1182 of 2018**

Prince Bhatia S/o Shree Gurmit Singh Bhatia Aged About 36 Years
 R/o- Dayalband, Police Station City Kotwali, Bilaspur, District-
 Bilaspur, Chhattisgarh., District : Bilaspur, Chhattisgarh --- **Petitioner**

Versus

1. State of Chhattisgarh through Officer-In-Charge, Police Station Tarbahar, District- Bilaspur, Chhattisgarh., District : Bilaspur, Chhattisgarh
2. Assistant District Excise Officer Bilaspur, District- Bilaspur, Chhattisgarh., District : Bilaspur, Chhattisgarh --- **Respondent**

For the applicant	: Mr. Mahendra Dubey, Advocate
For the State	: Mr. Sangharsh Pandey, Dy. Govt. Adv.

Hon'ble Shri Justice Goutam Bhaduri**Order on Board****03.07.2018**

1. This is a petition filed under section 482 of the Code of Criminal Procedure seeking quashment of the FIR No. 155/2018 which has been registered at Police Station Tarbahar, Distt. Bilapur (C.G) for the offence punishable under section 186 of IPC.
2. Learned counsel for the applicant submits that reading of the FIR itself do not make out a case as resistance in loud voice will not constitute an offence u/s 186 of IPC. It is further submitted that the offence u/s 186 of IPC is non-cognizable and bailable and the investigation cannot be carried out without the permission of Magistrate, therefore, the FIR is liable to be quashed.
3. A perusal of the FIR would show that when the Excise Officers conducted raid in a bar, the present petitioner resisted such action and also by raising voice loudly tried to

stop the act.

4. A reading of FIR would show that it was registered u/s 186 of IPC. Section 186 of IPC being bailable and non-cognizable the police officers are required to follow the mandate of subsection (1) of section 155 of Cr.P.C., and if the circumstances so demand, the investigation of offence cannot be done without the order of the Magistrate. It appears that at this stage, the petition is premature and the investigation officer shall be bound to follow the provisions of subsection (1) of section 155 of Cr.P.C.
5. Accordingly, the petition is dismissed.

**Sd/-
GOUTAM BHADURI
JUDGE**