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HIGH COURT OF CHHATTISGARH, BILASPUR**Writ Petition (Cr.) No. 480 of 2018**

Suresh Verma, S/o Late Gambhir Lal Verma, Aged About 58 Years, R/o Village Ghumka, Post And Police Station Ghumka, District Rajnandgaon, Chhattisgarh.

---- Petitioner**Versus**

1. State of Chhattisgarh Through Director General Of Police, Police Head Quarter, Raipur, District Raipur, Chhattisgarh.
2. Inspector General of Police, Durg, District Durg, Chhattisgarh.
3. Superintendent of Police Rajnandgaon, District Rajnandgaon, Chhattisgarh.
4. Police Station Officer, Police Station - Ghumka, District – Rajnandgaon, Chhattisgarh.
5. Vijendra Jain, S/o Ratan Jain, Aged About 36 Years, (Constable at Police Station - Khairagarh) R/o Village - Ghumka, Rajnandgaon, District Rajnandgaon, Chhattisgarh.

---- Respondents

For Petitioner : Shri Ravi Kumar Bhagat, Advocate.
For State/Respondents No. 1 to 4 : Shri Ravindra Agrawal, G. A.

Hon'ble Shri Justice Sanjay Agrawal**Order On Board****25.10.2018**

1. By way of this petition, the petitioner is praying for arrest of Respondent No. 5, as he has not been arrested despite filing of FIR on 12.04.2018.

2. Following reliefs have been claimed while filing the petition :-

(10.1) That, this Hon'ble Court may kindly be pleased to call the entire records from the respondents.

(10.2) That, this Hon'ble Court may kindly issue an appropriate writ to issue direction to the police department to arrest the Respondent No. 5 and to give protection to the petitioner.

(10.3) That, this Hon'ble Court may kindly be pleased to grant any other relief or pass such other orders as may be deemed fit and proper in the facts and circumstances of the present case in the interest of justice.

3. Perusal of the averments made in the petition would show that the FIR was lodged by the petitioner on 12.04.2018 against Respondent No. 5, namely Vijendra Jain and based upon which, an offence punishable under Section 294, 323 and 506 of Indian Penal Code, 1860 has been registered against the said Respondent (Vijendra Jain). Thereafter the concerned Investigating Officer has proceeded with the matter and that by collecting materials, has arrested him on 21.04.2018, i.e. much prior to filing of this petition and this material fact has brought to the knowledge of this Court by learned counsel for the Respondent/State on the basis of the instructions received from his authorities. It is thus clear that while suppressing this material fact the instant petition has been made seeking issuance of direction for his (Vijendra Jain) arrest.

4. Based upon the aforesaid fact, it is evident that the instant petition has been filed malafidely and with an ulterior motive in order to just harass the Respondents. The act of the petitioner approaching this

Court by suppressing material fact in order to get an illegal order some how or the other by keeping the Court in dark cannot be appreciated. As such, the petition is liable to be and is hereby dismissed with costs of Rs. 25,000/- (Twenty Five Thousand Only) which shall be payable to the Chhattisgarh Legal Services Authority within a period of one month from today.

Sd/-
(Sanjay Agrawal)
Judge