

HIGH COURT OF CHHATTISGARH, BILASPUR

WPCR No. 54 of 2015

Rajat Chandrakar S/o Late Babulal Chandrakar Aged About 39 Years R/o
Bhoipara Kurud, Tehsil And P.S. Kurud, District Dhamtari , Chhattisgarh ,
---- **Petitioner**

Versus

1. State Of Chhattisgarh Through The Secretary, Home Department,
Mahanadi Bhawan, New Raipur Chhattisgarh
2. Superintendent Of Police Dhamtari, District - Dhamtari Chhattisgarh ,
3. Station House Officer Police Station City Kurud, Dhamtari Chhattisgarh ,
4. Ravikant Chandrakar R/o Sarojini Chowk, Kurud, Tehsil Kurud, District
Dhamtari Chhattisgarh
....**Respondents**

For Petitioner	:	Mr. Ankur Agrawal, Advocate
For State	:	Mr. Chandresh Shrivastava, Panel Lawyer
For Respondent No.4	:	Ms. Fouzia Mirza, Advocate

Hon'ble Shri Justice Manindra Mohan Shrivastava

Order On Board

06.09.2018

Heard.

1. This petition has been filed by the petitioner aggrieved on account of non registration of FIR in a case which according to the petitioner is one where his report discloses commission of cognizable offence.
2. This Court had directed the respondents to file reply. State has filed the reply, in which, it has disclosed that on the report lodged by the petitioner, enquiry was made and the police did not find it to be a case for registration of an offence and a report under Section 155 Cr.P.C. was accordingly prepared.
3. Though learned counsel for the petitioner seeks to take this Court through the material on record to convince its an appropriate case where the FIR ought to be registered, I find that its essentially a matter for consideration by the Magistrate on a complaint that may be filed by the petitioner for taking cognizance.

4. It is not a case whereupon report being lodged by the petitioner, the police did not make any enquiry whatsoever. An enquiry has been made and report under Section 155 Cr.P.C. has been prepared. In such an eventuality, the course of action which may be adopted by the petitioner is laid down by the Hon'ble Supreme Court in the case of **Sakiri Vasu v. State of Uttar Pradesh and ors., 2008 (2) SCC 409**. In the case of **Sakiri Vasu (supra)**, it was held :

“27. As we have already observed above, the Magistrate has very wide powers to direct registration of an FIR and to ensure a proper investigation, and for this purpose he can monitor the investigation to ensure that the investigation is done properly (though he cannot investigate himself). The High Court should discourage the practice of filing a writ petition or petition under [Section 482](#) Cr.P.C. simply because a person has a grievance that his FIR has not been registered by the police, or after being registered, proper investigation has not been done by the police. For this grievance, the remedy lies under [Sections 36](#) and [154\(3\)](#) before the police officers concerned, and if that is of no avail, under [Section 156\(3\)](#) Cr.P.C. before the Magistrate or by filing a criminal complaint under [Section 200](#) Cr.P.C. and not by filing a writ petition or a petition under [Section 482](#) Cr.P.C.”

5. In view of the above, no further orders are required to be passed in the writ petition and it is left for the petitioner to work out the remedy in terms of the provision contained in Section 200 Cr.P.C. before the jurisdictional Magistrate.

6. With the aforesaid observation, the petition stands disposed off.

Sd/-
(Manindra Mohan Shrivastava)
Judge