

HIGH COURT OF CHHATTISGARH, BILASPUR**WPCR No. 481 of 2018**

- Ram Kumar Sharma S/o Late Shri Ram Lakhan Sharma Aged About 65 Years
R/o M-4, Aanupam Nagar, Near Tv Tower, Raipur Post Office Tahsil District-
Raipur, Chhattisgarh

---- Petitioner**Versus**

1. State Of Chhattisgarh Through Superintendent Of Police, Janjgir-Champa,
District- Janjgir-Champa, Chhattisgarh
2. Station House Officer, Police Station-Champa, District- Janjgir-Champa,
Chhattisgarh
3. Aditya Sharma S/o Late Shyam Sharma Aged About 30 Years R/o Sadar Bazar,
Near J.K. Jewellers, Main Road Post Office Police Station Thana- Champa,
District- Janjgir-Champa, Chhattisgarh.

---- Respondents

For Petitioner	:	Shri Ravish Verma, Advocate
For State	:	Shri Anand Dadariya, Dy.G.A.

Hon'ble Shri Justice Manindra Mohan Shrivastava**Order On Board****23/08/2018**

The petitioner's grievance is that even though the petitioner has submitted complaint in the police station alleging commission of offence, till date, no offence has been registered.

2. In the case of **Sakiri Vasu v. State of Uttar Pradesh and ors, 2008 (2) SCC 409**, the Supreme Court has laid down guide lines as to what course of action is required when no action is taken on the report lodged by the aggrieved person. It has been held as below -

“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 Section 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.”

3. Learned counsel for the petitioner relies upon order passed by this Court on 02/05/2018 in WPCR No.252/2018. In that case, orders have been passed relying upon decision of the Supreme Court in the case of **Ram Lal Narang v. State (Delhi Administration), 1979 2 SCC 322.**

4. On the facts of the present case, it is found that the dispute is raised with regard to certain properties and therefore, in the opinion of this Court, if the police is not registering offence, the petitioner may submit a complaint by registered post to the Superintendent of Police. If that is done, the matter shall be enquired into. Ultimately, if the police finds that it is not a case worth registration of offence, petitioner's remedy would be to file a complaint before jurisdictional Magistrate.

5. The petition is accordingly disposed off.

Sd/-
(Manindra Mohan Shrivastava)
Judge