

HIGH COURT OF CHHATTISGARH, BILASPUR

W.P.(CR) No. 17 of 2019

Shankar Lal, S/o. Nirbhelal Sahu, Aged About 56 Years, Caste Teli, R/o. Village & Post Saantra, Police Station Patan, Tahsil Patan, District Durg, Chhattisgarh.

---- **Petitioner**

Versus

1. State Of Chhattisgarh, Through the Secretary, Department Of Home Affairs (Police), New Raipur, Mantralaya, New Raipur, Civil & Revenue District Raipur, Chhattisgarh.
2. Director General Of Police Raipur, District Raipur, Chhattisgarh.
3. Inspector General Of Police, Range Durg, District Durg, Chhattisgarh.
4. Superintendent Of Police, Durg, Civil & Revenue District Durg, Chhattisgarh.
5. District Magistrate Durg, Civil & Revenue District Durg, Chhattisgarh.
6. Station House Officer, Police Station Patan, District Durg, Chhattisgarh.
7. Smt. Vedbati, W/o. Ramkrishan Bhardwaj, Aged About 60 Years.
8. Narayani, D/o. Ramkrishan Bhardwaj, Aged About 21 Years.
9. Ramkrishna Bhardwaj, S/o. Vishun Bhardwaj, Aged About 65 Years.

Respondent No.7 to 9 are Permanent Address At Village & Post Saantra, Police Station Patan, Tahsil Patan, District Durg, Chhattisgarh.

Present Address - Potiya Chowk, In Front Of Shriram Hotel, Panchratn Hostel Bhawan, Potiya Marg, Durg, Chowki Padmanabhpur, Durg, Police Station Pulgaon, District Durg, Chhattisgarh.

---- **Respondents**

For Petitioner	:	Mr. Punit Ruparel, Advocate
For State/Respondents	:	Mr. Vaibhav A. Goverdhan, Panel Lawyer
No.1 to 6.		

Hon'ble Shri Justice Goutam Bhaduri

Order On Board

16.01.2019

Heard

1. The present petition is for registration of the FIR against the respondents No.7 to 9 for the offence under Section 420, 467, 468, 471, 120-B read with Section 34 of I.P.C.
2. The document Annexure P-3 would show that when the report was made, an enquiry conducted and it was found that the petitioner

has given a power of attorney and on that basis the sale deed was executed. The petitioner initially has taken a loan which could not be returned and subsequently on the basis of power of attorney, the sale deed was executed. The police has given a report that no cognizable offence is made out.

3. The Supreme Court in case of ***Sakiri Vasu v. State of Uttar Pradesh & Ors***, reported in **2008 (2) SCC 409** has held as under :

“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.”

4. In view of the above, the petitioner is still at liberty to file the necessary complaint, if so advised.
5. With such observation, the petition stands disposed of.

Sd/-
(Goutam Bhaduri)
Judge