

HIGH COURT OF CHHATTISGARH, BILASPUR**Writ Petition (Cr.) No. 240 of 2014**

Manharan Lal Sahu, son of Shri Ramadhar Sahu, aged about 47 years, resident of village Hasaud, Police Station & Tahsil Jaijaipur, District Janjgir Champa (C.G.), Civil & Revenue District Janjgir-Champa (CG)

----Petitioner

Versus

1. State of Chhattisgarh through the Secretary, Ministry of Home, Mahanadi Bhawan, Mantralaya, Naya Raipur.
2. The Superintendent of Police, District Korba (C.G.)
3. The Station In-charge, Police Station City Kotwali, Korba (CG)
4. Vijay Kumar Sahu, son of Shri Girija Prasad Sahu, aged about 42 years, Chief Controller, Sai Parsad Group of Companies, Korba, resident of Police Outpost – Ramnagar, Manikpur, Korba.

---- Respondents/defendants.

For Petitioner : Shri G.V.K. Rao, Advocate.
 For Respondents No. 1 to 3 : Shri R.K. Bhagat, Dy. Govt. Advocate

Hon'ble Shri Justice Sanjay K. Agrawal

Order On Board

09/04/2019

- (1) This writ petition has been filed by the petitioner for issuance of direction to the respondents No. 1 & 3 to register the offence against respondent No. 4.
- (2) Learned counsel for the petitioner would submit that cognizable offence has been committed by respondent No. 4 but the police authority are not registering FIR and, therefore, a direction may be issued for registration of FIR against the respondent No. 4.
- (3) Per contra, learned counsel for the State would submit that the matter has been enquired into and it is found that there is dispute between the petitioner and respondent

No. 4 relates to payment of commission as both are working in the Sai Prasad Group of Companies and the said dispute is non-cognizable offence and, therefore, no action can be taken by the police against the respondent No. 4.

(4) I have heard learned counsel appearing for the parties and considered their rival submissions made hereinabove and went through the record with utmost circumspection.

(5) Pursuant to the report, detailed investigation has been made by the police authority and the report has been submitted along with the reply stating *inter alia* that there is dispute between the petitioner and respondent No. 4 regarding payment of commission as both are working in the Sai Prasad Group of Companies and the said dispute is non-cognizable offence and, therefore, there is no direction can be issued for registration of FIR against the respondent No. 4.

(6) Accordingly, Cr.M.P., being devoid of merit, is liable to be and is hereby dismissed. However, the petitioner is at liberty to proceed against respondent No. 2 under Section 156 (3) and Section 200 of the Cr.P.C, in accordance with law, if so advised.

Sd/-

(Sanjay K. Agrawal)
Judge

D/-

