

NAFR

HIGH COURT OF CHHATTISGARH, BILASPUR**WPCR No. 210 of 2014**

- Ram Gopal Sahu S/o Shri Ganpat Ram Sahu, Aged About 42 Years, Service (Patwari), posted at Patwari Halka No. 5, Ramanujnagar, Tah and District - Surajpur, R/o Ramanujnagar, P.O., P.S. & Tahsil- Ramanujnagar, Revenue & Civil District- Surajpur, (C.G.), Chhattisgarh

---- Petitioner

Versus

1. State of Chhattisgarh, through Secretary Department of Home Affairs (Police), Mahanadi Bhawan, Naya Raipur, Revenue & Civil District- Raipur (C.G.), Chhattisgarh
2. Director General of Police, Raipur, Revenue & Civil District- Raipur (C.G.), District : Raipur, Chhattisgarh
3. Inspector General of Police Sarguja Range, Ambikapur, Revenue & Civil District- Sarguja (C.G.), District : Surguja (Ambikapur), Chhattisgarh
4. Superintendent of Police, Surajpur, Revenue & Civil District- Surajpur (C.G.), District : Surajpur, Chhattisgarh
5. Station House Officer, Police Station Ramanujnagar, Revenue & Civil District- Surajpur (C.G.), District : Surajpur, Chhattisgarh
6. Sub-Divisional Officer (Revenue) Surajpur, Revenue & Civil District- Surajpur (C.G.), District : Surajpur, Chhattisgarh
7. Collector Surajpur, Revenue & Civil District- Surajpur (C.G.), District : Surajpur, Chhattisgarh
8. Tehsildar Ramanaujnagar, Revenue & Civil District- Surajpur (C.G.), District : Surajpur, Chhattisgarh

---- Respondents

For Petitioner : Shri Surfaraj Khan, Advocate.
 For State/Respondents : Shri Devendra Pratap Singh, Deputy Advocate General.

Hon'ble Shri Justice Rajendra Chandra Singh Samant
Order on Board

18-07-2019

1. Heard on admission.

2. This petition has been brought under Article 226 of the Constitution of India. It is submitted that the petitioner is working on the post of Patwari at Halka No. 5 Tahsil Ramanujnagar, District Surajpur, C.G. The petitioner was illegally transferred by respondent No.7, the said transfer order was challenged by the petitioner in WP(S) No.3462/13 in which the order was passed in his favour on 03-12-2013 and he was ordered to be posted in the same place where he was earlier posted. Despite the order of this Court, respondent No.7 ordered the petitioner to join Patwari Halka No. 28 instead of Halka No.5 and as the petitioner did not comply with the order, one FIR was lodged against him on 22-03-2013 registering the offence under Section 174, 175 and 188 of the IPC. The petitioner challenged the said registration of the FIR in WPCR No.63/2014 and the said petition has been allowed by this Court on 08-04-2019 by quashing the FIR registered against the petitioner. The FIR registered in this case against the petitioner is a repeat FIR based on the same facts, therefore, it is liable to be quashed. Therefore, it is prayed that the petition be admitted for final hearing and interim protection be granted to the petitioner.
3. Learned counsel for the State submits that the FIR in Crime No.1/2014 that has been lodged against the petitioner is based on different facts and circumstances regarding the allegation of cheating, forgery and other offences. Therefore, it is not a case of double jeopardy. Hence, the petition is not fit to be admitted.
4. In reply it is submitted that the first FIR lodged as Crime No.57/2013 for offence under Section 174, 175 and 188 of the IPC. The

documents that were seized in that case, have been again resealed in the present case, which shows that both the cases are similar. Therefore, the petition be admitted.

5. Heard learned counsel for the parties and perused the documents.
6. Considered on the submissions made by both the parties and also perused the documents filed along with the petition. On perusal of the contents of the FIR lodged against the petitioner in Crime No.57/2013 which finds mention in WPCR No.63/2014 and the contents of the FIR in Crime No.1/2014, there appears to be no reason to hold that the FIR in Crime No.1/2014 is a repeat FIR, because the nature of allegations in this FIR are totally different which needs to be investigated. Therefore, I do not find any substance in this WPCR, which is dismissed accordingly at the motion stage.

Sd/-

(Rajendra Chandra Singh Samant)
Judge