

HIGH COURT OF CHHATTISGARH, BILASPUR**WPC No. 2182 of 2012**

1. Khemchand Sahu S/o Purushottam Sahu Aged About 23 Years occupation Journalist And Agricultureist
2. Lekhu Sahu S/o Thukel Ram Sahu Aged About 39 Years, occupation labour
3. Madhusudan Sahu S/o Harkhram Sahu Aged About 33 Years occupation Agriculturist
4. Narendra Yadav S/o Bagasram Yadav Aged About 38 Years, occupation labour
5. Smt. Jamun Bai W/o Lekhram Sahau Aged About 37 Years, occupation- House wife and labour

All are resident of Village Biroda, P.S. And Tahsil Abhanpur, Dist. Raipur Chhattisgarh

---- **Petitioners**

Versus

1. State Of Chhattisgarh Through Secretary Home Department, New Rajdhani, Ps Rakhi Tahsil Arang, Distt Raipur, Chhattisgarh Pin 492001
2. The Inspector General Of Police Raipur Range, Police Head Quarter, Raipur P.S. Civil Lines, Tah. And Dist. Raipur Chhattisgarh Pin 492001
3. The Superintendent Of Police District- Raipur, Office of the Superintendent Of Police, Collectorate Campus, P.S. Civil Lines Tah. And Dist. Raipur Chhattisgarh Pin 492001
4. The Station House Officer Police Station Abhanpur, Tah. Abhanpur Dist. Raipur Chhattisgarh Pin 492001
5. Union Of India Through The Secretary, Home Affairs, North Block Central Secretariate, New Delhi 110001
6. The Central Bureau Of Investigation Through The Director, Central Bureau of Investigation. Plot No. 5-B, 6th Floor, CGO Complex, Lodhi Road, New Delhi 110003
7. Smt. Pramila Sahu W/o Omprakash Sahu Aged About 38 Years Sarpanch,
8. Vasudev Sahu S/o Rameshwar Sahu Aged About 26 Years, Panch
9. Ugeshwar @ Golu S/o Jagdish Sahu Aged About 33 Years

Respondents No. 7 to 9 are R/o Vill. Biroda, P.S. And Tah. Abhanpur, Dist. Raipur Chhattisgarh

10. The Collector, Raipur Collectorate Campus, P.S. Civil Lines, Tah. And Dist. Raipur C.G.

----- Respondents

For Petitioner	:	Shri Rajat Agrawal, Advocate
For Respondent/State	:	Shri Anand Verma, Dy. G.A.
For Respondent No. 7 & 9 :		Shri Suresh Tandon, Advocate

Hon'ble Shri Justice Goutam Bhaduri

Order On Board

09/07/2019

1. The present petition is for following reliefs:

(i) That, this Hon'ble Court may be kind enough in directing an issue a writ in the nature of mandamus, certiorari or any likewise writ directing and commanding the respondent Union of India and the Central Bureau of Investigation/ respondent No.6 in initiating a suitable enquiry and registering separate cases against the respondents for which and illegal act and activities.

(ii) That, this Hon'ble Court may be kind enough cost of the petition may also be awarded.

(iii) Any other relief, which the Hon'ble Court as it deems fit and proper looking to the facts and circumstances of the case to do complete justice to the petitioners as per mandate of the Constitution of India, may also be awarded.

2. Learned counsel for the petitioner would submit that because of the reason that the petitioner has complained against Smt. Parmila Sahu (Respondent No.7) that she along with other villagers have demolished the stop dam

which was made in the village and has used the same in construction of a drain. Having such report being made, in order to counter the petitioner, false case was registered against them and therefore the petitioner claims that the CBI enquiry may be done and the petitioner has been excommunicated.

3. Heard learned counsel appearing for the parties.
4. The issue appears to be stale and the petitioner is not able to make any submissions as to what happened in the criminal case. In any case the averments made in this writ petition cannot be made a defence for criminal case if it is registered and pending. The criminal case alleged to be registered in the year 2012 and 7 years have been passed. Since in absence of any particulars as on date, it cannot be held on presumption that the criminal case was a counter product to the allegation which was made against the Sarpanch Smt. Parmila Sahu and on presumption without any substantial document on record, CBI investigation cannot be ordered as a matter of right. The petitioner, if any, has grievance may seek his redressal before the competent Court for malicious prosecution if facts so permit.
5. In view of the above, the petition has no merit and accordingly is dismissed.

Sd/-

Goutam Bhaduri
Judge