

NAFR

HIGH COURT OF CHHATTISGARH, BILASPURWA No. 247 of 2019

- Ramkumar S/o Bipin Bihari Aged About 46 Years R/o Raigarh (Behind The Office Of RES, Chhote Attarmuda) Zila Panchayat Office Road, Police Station Chakradhar Nagar, Raigarh District Raigarh Chhattisgarh.

---- Appellant

Versus

1. State Of Chhattisgarh Through The Secretary, Ministry Of Home Police, Mahanadi Bhawan, New Mantralay, District Raipur Chhattisgarh.
2. Superintendent Of Police, Raigarh District Raigarh Chhattisgarh.
3. Station House Officer, Police Station - Chakradhar Nagar District Raigarh Chhattisgarh.
4. Nilesh Kumar M. Kshirsagar, Aged About 30 Years, Trainee I.A.S The then In Charge SDM And Chief Executive Officer, Zila Panchayat Raigarh, District Raigarh Chhattisgarh. Presently Posted And Working As Collector Jashpur Nagar Chhattisgarh.
5. Pramod Kumar Shukla Aged About 50 Years, The then Commissioner Municipal Corporation Raigarh, District Raigarh Chhattisgarh, Presently Posted And Working As Deputy Director At Sanchalanalay Nagariya Prasasan Indrawati Bhawan 4th Floor Atal Nagar Raipur Chhattisgarh.
6. Pratul Shrivastava S/o R.K. Shrivastava Aged About 45 Years the then Posted As Cartographer (Manchitrakar) In

Municipal Corporation Raigarh, District Raigarh Chhattisgarh
Posted And Working As Cartographer (Manchitrakar) In
Nagar Nigam Bhilai District Durg Chhattisgarh.

---- Respondents

For Appellant	:-	Shri Varun Sharma, Advocate
For Respondent-State	:-	Shri R.S. Baghel, Dy. A.G.

Hon'ble Shri Prashant Kumar Mishra, Ag. CJ

Hon'ble Shri Parth Prateem Sahu, J.

Order on Board

By

Prashant Kumar Mishra, Ag. CJ

01/05/2019

1. Petitioner's writ application for directing the concerned Police to register FIR against private respondents has been dismissed by the learned Single Judge on the ground that the reply filed by the State has revealed that on the report made by the petitioner an enquiry was made by the concerned Police wherein it was found that no offence is made out against the private respondents.
2. Once the concerned police has made enquiries to prima facie find out whether the allegation made by the petitioner against the private respondents attracts commission of cognizable offence and in the enquiry it has been found that no offence is made out, writ petition directing the concerned

Police to register FIR was not maintainable. It is for the simple reason that the Writ Court would not sit in appeal against the finding recorded by the concerned Police while making an enquiry to record its prima facie satisfaction. Learned Single Judge has rightly pointed out that if the petitioner is not satisfied it will remain open for him to lodge a criminal complaint before Jurisdictional Magistrate/Sessions Court.

3. There is no substance in the writ appeal which fails and is hereby dismissed.

Sd/-
(Prashant Kumar Mishra)
Acting Chief Justice

Sd/-
(Parth Prateem Sahu)
Judge