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HIGH COURT OF CHHATTISGARH, BILASPUR**Writ Appeal No. 241 of 2019**

*{Arising out of Order dated 15.01.2019 passed in Writ Petition (Cr) No. 15 of 2019 by
the learned Single Judge}*

Ram Sharan Singh Bhadoriya S/o Late Shri Raj Bahadur Singh Aged About 64
Years R/o House No. 56, Shanti Nagar, Sukma, District Sukma Chhattisgarh.

----Appellant

Versus

1. State of Chhattisgarh Through Secretary, Department of Home (Police), Mahanadi Bhawan, New Mantralaya, Atal Nagar, District Raipur Chhattisgarh.
2. The Director General of Police Police Headquarter, District Raipur Chhattisgarh
3. The Superintendent of Police State Economic Offence Wing (EOW) Near Ghadi Chowk, Raipur District Raipur Chhattisgarh
4. The Superintendent of Police Raipur, District Raipur Chhattisgarh.
5. Station House Officer Police Station Civil Line, Raipur, District Raipur
6. Shailendra Bahadur Singh S/o Late Shri Awadh Bihari Singh Aged About 46 Years Registered A Class Contractor, R/o Main Road, Mastan Para, Sukma, District Sukma

---- Respondents

For Appellant : Shri Prafull N Bharat, Advocate.
For Respondents/State : Shri Siddharth Dubey, Deputy Government Advocate.
For Respondent No. 6 : Shri Avinash K. Mishra, Advocate.

Hon'ble Shri P.R. Ramachandra Menon, Chief Justice
Hon'ble Shri Manindra Mohan Shrivastava, J.

Judgment on Board

Per P.R. Ramachandra Menon, Chief Justice

17/05/2019

1. The grievance of the Appellant is with regard to the direction given by the learned Single Judge whereby an FIR has been directed to be registered holding that a cognizable offence has already been made out.

2. It is stated by the learned counsel for the Appellant that such a finding was rendered without giving an opportunity of hearing and hence, requires to be interdicted. Reliance is placed by learned counsel for the Appellant on a verdict passed by a co-ordinate Bench of this Court in Writ Appeal No. 651 of 2018.
3. We have heard the learned counsel representing the State/Respondents No. 1 to 4 and the learned counsel for the 6th Respondent who is the complainant on whose instance the proceedings are stated to have been initiated.
4. The learned counsel for the 6th Respondent submits that pursuant to the direction given by the learned Single Judge, a crime has already been registered and that the Appellant herein has moved this Court by filing a petition under Section 438 of the Code of Criminal Procedure, 1973 for pre-arrest bail, adding that he has been granted anticipatory bail.
5. Learned counsel for the Appellant submits that the matter could be closed in the aforesaid circumstances, without prejudice to the rights and liberties of the Appellant to challenge the proceedings by invoking appropriate provisions of law.
6. Permission is granted. The writ appeal stands closed.

Sd/-
(P.R. Ramachandra Menon)
CHIEF JUSTICE

Sd/-
(Manindra Mohan Shrivastava)
JUDGE