

HIGH COURT OF CHHATTISGARH, BILASPUR

WPCR No. 321 of 2017

1. Ajay Rawat, S/o. Ankalduram, Aged About 30 Years, R/o. Village & Post Poriyadih, Tahsil & District Dhamtari, Chhattisgarh
2. Durga Shankar Mishra, S/o. Late Shive Kumar Mishra, Aged About 62 Years, R/o. Old Market Chowk, Kurud, Tahsil & District Dhamtari, Chhattisgarh
3. Dushiyantlal Dewangan, S/o. Pekhram Dewangan, Aged About 30 Years, R/o. Village & Post Poriyadih, Tahsil & District Dhamtari, Chhattisgarh
4. Santosh Kumar Dhimar, S/o. Gairam Dhimer, Aged About 34 Years, R/o. Sanjay Nagar, Kurud, Tahsil & District Dhamtari, Chhattisgarh
5. Premlal Sen, S/o. Late Hemlal Singh, Aged About 52 Years, R/o. Village & Post Poriyadih, Tahsil & District Dhamtari, Chhattisgarh

---- Petitioners

Versus

1. State Of Chhattisgarh, Through Director General Of Police, Police Head Quarter, Raipur, District Raipur, Chhattisgarh
2. Inspector General Of Police, Raipur, District Raipur, Chhattisgarh
3. Superintendent Of Police, Dhamtari, District Dhamtari, Chhattisgarh
4. Police Station Officer, Police Station Dhamtari, District Dhamtari, Chhattisgarh
5. The Sunshine Hi-Tech Infracon Ltd. Through Its Director Banwari Lal Baghel, Bakil Singh, Sanjeev Singh (an ISO 9001:2008/ISO 9001:2008) Having Its Registered Office At 402 Unique Tower, Opp. Hotel Surya, Sayajigunj Vadodara, Gujarat, India 390005
6. State Of Chhattisgarh, Through The Secretary Department Of Labour, Mantralaya, Mahanadi Bhawan, New Raipur, P.S. Rakhi, District Raipur, Chhattisgarh
7. Collector, Dhamtari, District Dhamtari, Chhattisgarh

---- Respondents

For Petitioners	:	Shri Sanjeev Kumar Sahu, Advocate
For State	:	Shri Ghanshyam Patel, Govt. Advocate

Hon'ble Shri Justice Goutam Bhaduri

Order On Board

12.03.2019

Heard.

1. The present petition is by some of the Agents of the Sun Shine Hi-Tech Infracon Ltd. Company. It is stated by the petitioners that the petitioners

were Agents of the Company and they have not usurped the amount deposited as per the FIR lodged by some of the depositors, therefore, the proceeding be drawn against the Directors alone.

2. State counsel submits that on information the FIR on behalf of the depositors has already been lodged, which is bearing No.75/2017 at Police Station Utai, District Durg for the offence under Section 420 read with Section 34 of I.P.C. and under Section 10 of the Chhattisgarh Nikshepako Ke Hito Ka Sanrakshan Adhiniyam, 2015.
3. Considering the fact that FIR is already registered, the prosecution/ State agency shall be free to enquire such facts including the role played by the present petitioners. At this stage, giving a direction only to register the FIR against Directors would amount to exonerate the present petitioners who may be or may not be accused. It is only after investigation that fact can be clarified. The FIR having been registered no further direction can be made to register the FIR particularly against few of the persons.
4. In view of the above, the petition has no merit and accordingly is dismissed.

Sd/-
Goutam Bhaduri
Judge