

HIGH COURT OF CHHATTISGARH, BILASPUR**WPCR No. 195 of 2017**

Mahesh Ram Sao S/o Shri Usat Ram Sao, Aged About 35 Years
R/o Village Kanhagarh, Police Station And Tahsil Pusour, District
Raigarh Chhattisgarh. **--- Petitioner**

Versus

1. State of Chhattisgarh through the Secretary, Department of Home & Police, Mantralaya, Mahanadi Bhawan, Raipur Chhattisgarh.
2. The Superintendent of Police, Raigarh, District Raigarh Chhattisgarh.
3. The Station House Officer, Police Station Pusour, District Raigarh Chhattisgarh.
4. Gourhari Sao S/o Shri Bhagwatiya Sao, Aged About 37 Years R/o Village Supa, Police Station & Tahsil Pusour, District Raigarh Chhattisgarh.
5. Smt. Noni Bai, W/o Shri Amrit Lal, Aged About 55 Years R/o Village Pandaripani, Tahsil & District Raigarh Chhattisgarh. **--- Respondent**

For petitioner – Shri Alok Kumar Pandey, Advocate
For the State - Shri Chandresh Shrivastava, Dy. A.G.
For respondent No.4 -Shri Sanjeev Kumar Sahu, Advocate

Hon'ble Shri Justice Goutam Bhaduri

ORAL ORDER**28.01.2019**

1. By this writ petition filed under Article 226 of the Constitution of India, the petitioner has prayed for direction commanding the respondents 2 & 3 to register a criminal case against respondents 4 & 5.
2. The petitioner claims that he along-with respondent No.4 and another person Neharu Ram were in joint possession of the land. However, on the basis of fraud consent letter, his part of share was sold despite the injunction order was operative in civil suit in respect of the land and as such when the complaint was filed, no cognizance was taken.

3. Reply has been filed on behalf of the State. The communication dated 11.03.2017 has been annexed which shows that the Police after investigation found that a civil suit was pending and as such, no cognizance was taken and the information was given.

4. During the course of arguments, it is stated that the civil suit was dismissed. In view of this, it would not be appropriate for this Court to invoke the criminal jurisdiction as apparently it appears that the civil suit was pending in respect of the suit property. It appears that the instant petition has been filed at much belated stage. The petitioner if so advised may file necessary complaint.

5. With such observation, this petition stands disposed of.

Sd/-

**GOUTAM BHADURI
JUDGE**

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