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HIGH COURT OF CHHATTISGARH, BILASPUR**WA No. 436 of 2019***{Arising out of order dated 08.12.2017 passed by the learned Single Judge in W.P.CR. No. 514 of 2017}*

- Ramgopal Sahu S/o Purushottam Sahu Aged About 39 Years R/o Village Kedar, Police Station And Tahsil Sarangarh, District Raigarh, Chhattisgarh.

---- Appellant**Versus**

1. State of Chhattisgarh Through The Secretary, Home Department, Mantralaya, Mahanadi Bhawan, Atal Nagar, Raipur, District Raipur, Chhattisgarh.
2. Superintendent of Police Balodabazar, District Balodabazar-Bhatapara, Chhattisgarh.
3. Station House Officer, Police Station Bilaigarh, District Balodabazar-Bhatapara, Chhattisgarh.
4. Rukhmani Sahu W/o Gopal Chand Sahu Aged About 34 Years R/o House of Shri Bhajan Lahare, Govindvan, Bilaigarh, Police Station Bilaigarh, District Balodabazar-Bhatapara, Chhattisgarh.

---- Respondents

For Appellant : Shri Sumit Singh Rathore, Advocate.
 For Respondent/State : Shri Sudeep Verma, Deputy Government Advocate.

Hon'ble Shri P. R. Ramachandra Menon, Chief Justice
Hon'ble Shri Justice Parth Prateem Sahu, Judge

Judgment on Board**P. R. Ramachandra Menon, Chief Justice****11.11.2019**

1. The appeal is against the verdict passed by the learned Single Judge in W.P. (CR) No. 514 of 2017 whereby the alleged laxity on the part of the Police for not taking further steps for registering the FIR was deprecated and the Police was directed either to file the charge sheet or to file the closure report, on the basis of materials collected in the course of the investigation. The learned Single Judge also made it clear that the Court was not expressing any opinion on the

merits of the case and the writ petition was disposed off accordingly in the motion stage.

2. The learned counsel for the Appellant submits that much prejudice has been caused to the Appellant and the Police, based on the said direction, has filed charge sheet absolutely without any merit and without conducting proper investigation. If this be the position, the remedy of the Appellant is something else. Insofar as no opinion has been expressed by the learned Single Judge with regard to the merits involved, the alleged denial of opportunity of hearing projected by the Appellant, who was arrived as the 4th Respondent in the writ petition, has not actually resulted in any prejudice to be remedied by this Court in any manner. This is more so, since the learned counsel concedes that the Appellant has already moved this Court by filing necessary proceedings invoking the course and procedure under Section 482 of the CrPC and that the said matter is pending.
3. We are of the view that the no interference does require to be made in this appeal. Appeal is dismissed, without prejudice to the rights and liberties of the Petitioner to pursue the matter which is stated to filed under Section 482 of the CrPC.

Sd/-

(P. R. Ramachandra Menon)
Chief Justice

Sd/-

(Parth Prateem Sahu)
Judge