

NAFR

HIGH COURT OF CHHATTISGARH, BILASPUR**Writ Appeal No. 461 of 2019**

*{Arising out of order dated 07.08.2019 passed by the learned Single Judge in Writ
Petition (CR) No. 36 of 2018}*

- Shailendra Nema, S/o Purushottam Nema, aged about 37 years, R/o Plot No. 14 street No. C, Triveni Nagar (Smriti Nagar), Bhilai, District Durg (C.G.)

---- Appellant**Versus**

1. State of Chhattisgarh, Through the Secretary, Department Home, Mahanadi Bhawan, Mantralaya, New Raipur, District Raipur (C.G.)
2. Superintendent of Police, District Durg (C.G.)
3. Town Inspector, Police Station Supela, Bhilai, District Durg (C.G.)
4. Kishore Kumar Mishra, S/o Late Tridas Kumar Mishra, aged about 50 years, R/o B-84, Smriti Nagar Market, Bhilai, District Durg (C.G.)

---- Respondents

For Appellant	:	Shri Mohit Kumar, Advocate.
For Respondents/State	:	Shri Sudeep Agrawal, Deputy Advocate General.

Hon'ble Shri P. R. Ramachandra Menon, Chief Justice**Hon'ble Shri Justice Parth Prateem Sahu, Judge****Judgment on Board****Per P. R. Ramachandra Menon, Chief Justice****15.10.2019**

1. Interference declined by the learned Single Judge to grant the relief to register a crime by the Police with regard to the alleged offences (nature of which reveals that it is a civil dispute, for not honouring the terms of a contract for sale) is sought to be challenged by filing writ appeal, referring to the law declared by the Supreme Court in ***Lalita Kumari vs. Government of Uttar Pradesh and Others*** reported in **(2014) 2 SCC 1**.

2. During the course of hearing, the learned counsel for the Appellant was confronted with course of action available to the aggrieved party with reference to Section 154 (3) of the Cr.P.C. or as to the right to approach the Magistrate having jurisdiction over the area by filing appropriate proceedings in terms of Section 190, read with Section 200 of Cr.P.C, if at all any offence was there.
3. The learned counsel for the Appellant seeks for permission to withdraw the matter, without prejudice to the rights and liberties to pursue appropriate steps in accordance with law, including the civil remedy.
4. Permission is granted.
5. The writ appeal is dismissed as withdrawn.

Sd/-

(P. R. Ramachandra Menon)
Chief Justice

Sd/-

(Parth Prateem Sahu)
Judge