

HIGH COURT OF CHHATTISGARH, BILASPUR

WPCR No. 909 of 2019

- Dr. Narad Gupta S/o Shri Surendra Prasad Gupta Aged About 28 Years Working As Medical Officer, And Posted At Community Health Centre, Latori, Surajpur District-Surajpur, Chhattisgarh.

---- Petitioner

Versus

1. State Of Chhattisgarh Through The Secretary, Home Department, Mahanandi Bhawan, Mantralaya, Atal Nagar, Naya Raipur District Raipur Chhattisgarh, Taluka : Raipur, District : Raipur, Chhattisgarh
2. Director General Of Police State Of Chhattisgarh, Police Head Quarter, Surajpur, District-Surajpur, Chhattisgarh.
3. Superintendent of Police Surajpur, District-Surajpur, Chhattisgarh.
4. Station House Officer Police-Station-Jainagar, District-Surajpur, Chhattisgarh.
5. Kishori Mandal S/o Shri Muneshwar Mandal R/o Village Latori, Surajpur, District Surajpur Chhattisgarh.
6. Pappu Sahu Through Kishori Mandal, R/o Village Latori, Surajpur, District-Surajpur, Chhattisgarh(Accused).

---- Respondents

For Petitioner	: Mr. Virendra Verma, Advocate
For State/respondent	: Ms. Akanksha Jain, Dy. Govt. Advocate.

Hon'ble Shri Justice Rajendra Chandra Singh Samant

Order On Board

17/09/2019

Heard.

1. Petition under Article 226 of Constitution of India has been brought praying for quashment of FIR registered under Crime No.147/2019 at Police-Station Jai Nagar, District-Surajpur.
2. On perusal of the documents filed along with the petition, it is found that case has been investigated and charge-sheet has been filed, but no prayer is made for quashment of the entire criminal proceedings.
3. The ground raised in the petition is this, that the petitioner is a government servant and that the incident has occurred at the time when the applicant was discharging his official duty, therefore, any prosecution against him would not have been possible without prior sanction of the competent authority, as required under Section 197 of CrPC.
4. Petitioner has option to file an application before the trial Court raising all the grounds as raised in this petition, which may be considered by the concerned Court on its own merits in accordance with law.
5. Considering the fact that an alternative efficacious remedy is available to the petitioner under the law, this petition cannot be entertained at this stage. Accordingly, the petition is dismissed at the motion stage itself.

Sd/-

(Rajendra Chandra Singh Samant)
Judge

Nisha