

HIGH COURT OF CHHATTISGARH, BILASPUR

CRMP No. 2628 of 2018

Atul Nathan S/o Late Shri O.J. Nathan Aged About 50 Years R/o Qtr.
No. D-12, Koni, Police Station Koni, Tahsil & District- Bilaspur,
Chhattisgarh. **--- Petitioner**

Versus

1. State of Chhattisgarh through the Secretary, Home Department,
Mantralaya, Mahanadi Bhawan, New Raipur, District : Raipur,
Chhattisgarh
2. The Inspector General of Police Bilaspur, District- Bilaspur,
Chhattisgarh.
3. The Superintendent of Police Bilaspur, District- Bilaspur, Chhattisgarh.,
4. The Collector Cum District Magistrate Bilaspur, District- Bilaspur,
Chhattisgarh.
5. The Station House Officer Police Station Koni District- Bilaspur,
Chhattisgarh.
6. Ajay Singh S/o Shri Chetnarayan Singh Occupation Builder, In Front of
I.T.I. Gate Koni, Police Station Koni, District- Bilaspur, Chhattisgarh.,
--- Respondents

For Petitioner : Mr. Shashi Bbhusan Pandey, Adv.

For State-Respondents : Mr. Ravi Bhagat, Dy.Govt. Adv.

Hon'ble Shri Justice Goutam Bhaduri

Order on Board

14.03.2019

1. The prayer made in this petition is to issue a direction to the
State-Respondents to register FIR against respondent No.6.
2. It is stated that the petitioner brother has suffered a massive
heart attack for the reason that the demarcation was carried

out in respect of a boundary wall which was constructed outside his house. It is stated that the revenue officer and one of the builder i.e., respondent no.6 carried the demarcation without any authority which caused tension to the brother of petitioner and as a result of such act he suffered heart attack, therefore, the offence has been committed.

3. The nature of complaint is too vague. Unless and until there is live connection between the act done by the accused and the damage sustained by the victim, the provision of IPC cannot be set into motion. It will be too hypothetical proposition that because of the act of respondent No.6 and a revenue officer, the brother of petitioner suffered a heart attack and therefore, the persons named in the FIR are liable for the criminal act. In the facts and circumstances of the case, this Court is not inclined to exercise power under section 482 of Cr.P.C. However, the petitioner shall be at liberty to take recourse to the remedy available to him under the law.
4. Accordingly, this petition stands disposed of.

**Sd/-
(GOUTAM BHADURI)
JUDGE**