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HIGH COURT OF CHHATTISGARH AT BILASPUR

WPC No. 632 of 2020

1. Shitala Prasad Tripathi, S/o Late Rajaram Tripathi, Aged About 66 Years, R/o House No. 03, Nirala Nagar Old Bus Stand, Bilaspur, Police Station - Tarbahar Bilaspur, District : Bilaspur, Chhattisgarh

---- Petitioner

Versus

1. Election Commission of India Through Its Chief Secretary, Nirwachan Sadan, Ashok Road, New Delhi – 110001.
2. State of Chhattisgarh Through Secretary, Department Home Affairs, Mantrayal, Mahanadi Bhawan, Atal Nagar Raipur, District : Raipur, Chhattisgarh
3. Director General of Police, Police Headquarter Raipur, District : Raipur, Chhattisgarh
4. Collector Bilaspur, District : Bilaspur, Chhattisgarh
5. Superintendent of Police Bilaspur, District : Bilaspur, Chhattisgarh
6. Station House Office, Police Station Tarbahar, Bilaspur, District : Bilaspur, Chhattisgarh
7. Aap Sabki Apani Party, Through Its Secretary, Anshul Verma, S/o Arvind Verma, Aged About 32 Years, Azad Chouk Gorkhnath Gorakhpur, District : Gorakhpur, Uttar Pradesh
8. Rajesh Seth, S/o Late Kailash Seth, Aged About 49 Years, Tarbahar Main Road, Bilaspur, District : Bilaspur, Chhattisgarh
9. Smt. Rajni Seth, W/o Rajesh Seth, Aged About 40 Years, Main Road, Tarbahar, Bilaspur, District : Bilaspur, Chhattisgarh

---Respondents

For Petitioner	:	Mr. Hemand Kesharwani, Advocate
For State	:	Mr. V.R. Tiwari, Addl. Advocate Gen.

Hon'ble Shri Justice P. Sam Koshy
Order on Board

14.02.2020

1. The grievance of the petitioner in the present writ petition is for an appropriate direction to the respondents to initiate an enquiry and register crime against Respondent No. 8 and 9.
2. The grievance of the petitioner seems to be fraud prayed by the respondent no. 8 and 9. The further grievance of the petitioner is that the State authorities particularly, the Police authorities are not taking any action on the complaint.
3. This Court at this juncture is of the opinion that if inspite of the fact that the petitioner having filed a complaint against the respondent no. 8 and 9 and the police authorities are not taking any action on the said complaint, it is open for the petitioner to approach the concerned criminal court by filing a complaint case under Section 200 of the Cr.P.C. In view of the same, this Court is of the opinion that the present writ petition at this juncture would not be sustainable and the writ petition accordingly stands disposed off.
4. Reserving the right of the petitioner to approach the concerned criminal court for initiating private complaint case against the respondent no. 8 and 9. The present writ petition, accordingly stands disposed off.

Sd/-
(P. Sam Koshy)
Judge