

HIGH COURT OF CHHATTISGARH AT BILASPUR**WPCR No. 157 of 2020**

Shitala Prasad Tripathi S/o Late Rajaram Tripathi, Aged about 65 yeas, R/o Nirala Nagar Old Bus Stand, Bilaspur, Police Station Tarbahar Bilaspur, District Bilaspur, Chhattisgarh.

---Petitioner

Versus

- 1.State of Chhattisgarh, Through the Secretary, Department Home Affairs, Mantralaya, Mahanadi Bhawan, Atal Nagar, Raipur, District Raipur, Chhattisgarh.
- 2.Director General of Police, Police Headquarter Raipur, District Raipur, Chhattisgarh.
- 3.Superintendent of Police, Bilaspur, District Bilaspur, Chhattisgarh.
- 4.Station House Officer, Police Station Sirgitti, District Bilaspur, Chhattisgarh.
- 5.Rajesh Seth S/o Late Kailash Seth, Tarbahar Main Road, Bilaspur, District Bilaspur, Chhattisgarh.

--- Respondents

For Petitioner :- Mr. Hemant Kesharwani, Advocate

For State :- Mr. Ravi Bhagat, Dy. G.A.

Hon'ble Shri Justice Sanjay K. Agrawal

Order on Board

24/11/2020

1. By way of this writ petition, the petitioner seeks for direction to register FIR against respondent No. 5 stating inter alia that he had taken Rs. 1,20,000/- from the petitioner two years ago for allotting plot for construction of apartment, but yet he has not made any construction and refuses to return the said amount which he obtained from the petitioner by fraud and cheating, as such, he has committed offence punishable under Section 420 of IPC, but the Police has not taken any action in light of the decision rendered by the Supreme Court in Lalita Kumar v. Government of U.P.¹.
2. Learned State counsel would submit that the remedy available to the petitioner is to file a criminal complaint against respondent No. 5 under Section 156(3) or Section 200 of CrPC.
3. Heard learned counsel for the parties and perused the record.
4. The dispute between the petitioner and respondent No. 5 is purely a contractual dispute and petitioner is at liberty to file complaint under Section 156(3) or Section 200 of CrPC, but at this stage no direction can be issued to the State for registration of FIR against respondent No. 5.

¹ 2014 (2) SCC 1

5. With the aforesaid liberty reserved in favour of the petitioner, this writ petition stands disposed of. It is made clear that this Court has not expressed any opinion on the merits of the matter.

Sd/-
(Sanjay K. Agrawal)
Judge

Harneet