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HIGH COURT OF CHHATTISGARH, BILASPUR**Contempt Case (C) No. 888 of 2020****Reserved on 02.12.2020****Pronounced on 08.12.2020**

1. Manish Agrawal, S/o Shri Ghanshyam Das Agrawal Aged About 32 Years R/o Jashpur Road, Infront Of Hospital Pathalgaon, Police Station And Tahsil Pathalgaon, District Jashpur, Chhattisgarh.
2. Smt. Shruti Agrawal, W/o Shri Manish Agrawal Aged About 30 Years R/o Jashpur Road, Infront Of Hospital Pathalgaon, Police Station And Tahsil Pathalgaon, District Jashpur, Chhattisgarh.,

---- Petitioners**Versus**

1. Santosh Kumar Singh, Posted As Superintendent Of Police Raigarh, District Raigarh, Chhattisgarh.,
2. S.N. Singh Posted As Station House Officer City Kotwali Raigarh, District Raigarh, Chhattisgarh.,

---- Respondents**Contempt Case (C) No. 889 of 2020**

1. Rakesh Agrawal S/o Shri Ghanshyam Das Agrawal Aged About 40 Years R/o Jashpur Road, Infront Of Hospital Pathalgaon, Police Station And Tahsil Pathalgaon, District Jashpur, Chhattisgarh.,
2. Smt. Radha Agrawal W/o Shri Rakesh Agrawal Aged About 38 Years R/o Jashpur Road, Infront Of Hospital Pathalgaon, Police Station And Tahsil Pathalgaon, District Jashpur, Chhattisgarh.,

---- Petitioners**Versus**

1. Santosh Kumar Singh Posted As Superintendent Of Police Raigarh, District Raigarh, Chhattisgarh.,
2. S.N. Singh Posted As Station House Officer City Kotwali Raigarh, District Raigarh, Chhattisgarh.,

---- Respondents**Contempt Case (C) No. 890 of 2020**

1. Madan Lal Agrawal S/o Late Shri Jagat Ram Agrawal Aged About 55 Years R/o Ambikapur Road, Pathalgaon, Police Station And Tahsil Pathalgaon, District Jashpur, Chhattisgarh.,
2. Manoj Agrawal S/o Shri Madan Lal Agrawal Aged About 28 Years R/o Ambikapur Road, Pathalgaon, Police Station And Tahsil Pathalgaon, District Jashpur, Chhattisgarh.,

---- Petitioners

Versus

1. Santosh Kumar Singh Posted As Superintendent Of Police Raigarh, District Raigarh, Chhattisgarh.,
 2. S.N. Singh Posted As Station House Officer City Kotwali Raigarh, District Raigarh, Chhattisgarh.,
- Respondents**

For Petitioners : Shri Sarfaraj Khan, Advocate

Hon'ble Shri Justice Sanjay S. Agrawal**C.A.V. Order / Judgment**

1. Heard on admission.
2. Since all the petitions are of similar nature, they are being disposed of by this common order.
3. The petitioners have filed these petitions praying for initiation of contempt proceedings against the respondents for not taking any action with regard to the complaint lodged by them in strict compliance with the direction issued by the Supreme Court in the matter of ***Lalita Kumari vs. Government of Uttar Pradesh and Others*** reported in (2014) 2 SCC 1 followed by this Court in the matter of ***Bhushan Singh Rathia vs. State of Chhattisgarh and Others*** decided on 26.08.2016 in Writ Petition (Criminal) No.9 of 2016.
4. From perusal of the averments made in these petitions, it appears that an agreement to sell dated 14.05.2019 was executed by the petitioners agreeing to alienate their land in question bearing Kh.No.513/251/7T admeasuring 14.25 hectares situated at village Patthalgaon, district Raigarh in favour of one Ajay Kumar Agrawal for a consideration of Rs.39,01,000/- upon receiving an earnest amount of Rs.51,000/- from him. According to the terms and conditions stipulated therein, a registered deed of sale was required to be executed in his favour

within the period of two months. It was, however, sold to someone else, namely, Manoj Agrawal, as a result of which, a complaint was lodged by him (Ajay Kumar Agrawal) on 24.07.2020 and based upon which, an offence punishable under Section 420 and 34 of IPC has been registered against the petitioners in connection with Crime No.514/2020.

5. It appears further that after the registration of the aforesaid crime, a complaint was lodged by the petitioners on 07.10.2020 submitting, inter alia, that the Police Station City Kotwali, Raigarh, while playing an active role at the behest of said Ajay Kumar Agrawal and others (as mentioned therein), has registered the aforesaid First Information Report (F.I.R.) irrespective of the facts that on an earlier occasion, an enquiry was conducted based upon the same allegations, in which, it was found that the entire allegation levelled against the petitioners was of a civil nature and no offence as such was, therefore, registered. While narrating the same in the said complaint, it was prayed by the petitioners for its fair investigation by some other authority and praying further for its closure and also for taking an action against said Ajay Kumar Agrawal and Ramdas Agrawal along with others, who supported them.

6. What is, therefore, reflected from the averments made in the petitions, vis-a-vis, the complaint lodged on 07.10.2020 is that the petitioners are mainly aggrieved with the registration of the alleged F.I.R. against them in connection with the offence punishable under Section 420 and 34 of I.P.C. and that is the reason why a request was made in the said complaint for its further and fair investigation by some other authority with a further prayer of its closure. In view of the said background, a remedy for its quashment, however, lies somewhere else but under the garb of said complaint, it cannot be said that the respondents had acted and / or

disobeying the directions issued by the Supreme Court in the said matter of **Lalita Kumari** (supra) followed by this Court in the matter of **Bhushan Singh Rathiya vs. State of Chhattisgarh & Ors.** (supra), as alleged herein.

7. Pertinently to be noted herein, as reflected from the averments made in the said complaint, lodged on 07.10.2020 that no information pertaining to the commission of the cognizable offences, as alleged in the contempt petitions, was ever reported to an Officer-in-Charge of Police Station, as required to be made under sub-section (1) of Section 154 of Code of Criminal Procedure, 1973 prior to the filing of the complaint under sub-section (3) of Section 154 of the said Code, yet it was made before the Superintendent of Police, Raigarh, which, however, appears to be nothing but an afterthought of the petitioners in order to get the initiation of contempt proceedings against the respondents.

8. In view of above, I do not find any substance in these petitions so as to draw the contempt proceedings against the respondents. The petitions are accordingly dismissed at admission stage, with no order as to costs.

Sd/-
(Sanjay S. Agrawal)
Judge