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HIGH COURT OF CHHATTISGARH, BILASPUR

Writ Petition (Cr.) No. 01 of 2017

- Deman Chandrakar S/o Late Shri Baratu Ram Chandrakar, Aged About 52 Years R/o Subhash Nagar, Durg, Police Station Kotwali, Tahsil And District Durg Chhattisgarh.

---- Petitioner

Versus

1. State Of Chhattisgarh Through Its Secretary, Department Of Home Police, Mahanadi Mantralaya, Police Station And Post Rakhi, New Raipur Chhattisgarh.
2. Director General Of Police (D. G. P.), Police Headquarters (P H Q), Near Mahanadi, Mantralaya, Police Station And Post Rakhi, New Raipur Chhattisgarh.
3. Inspector General Of Police I. G. P. Office Of Inspector General Of Police, 32 Bungalow, Bhilai, Distt. Durg Chhattisgarh.
4. Superintendent Of Police S. P., Office Of Superintendent Of Police, Rajnandgaon, District Rajnandgaon, Chhattisgarh.
5. Abhishek Verma, Sub Divisional Police Officer S D O P, Office Of (S DOP), Khairagarh, Distt. Rajnandgaon, Chhattisgarh.
6. Vinod Mandavi, Station House Officer, Police Station Khairagarh, Distt. Rajnandgaon Chhattisgarh.
7. Pramod Amaltas, Sub Inspector, Police Chowki Jaalbandha, Police Station Khairagarh, Distt. Rajnandgaon Chhattisgarh.
8. Bhuvneshwar Verma, Constable No. 1569, Police Chowki Jaalbandha, Police Station Khairagarh, Distt. Rajnandgaon Chhattisgarh.
9. Chhotelal Verma, Home Guard No. 51, Police Chowki- Jaalbandha, Police Station Khairagarh, Distt. Rajnandgaon Chhattisgarh.
10. Arjun Kumar Verma, S/o Tarak Ram Verma, Aged About 35 Years R/o Village And Post Pawantara, Police Chowki- Jaalbandha, Distt. Rajnandgaon Chhattisgarh, District : Rajnandgaon, Chhattisgarh.

---- Respondents

For Petitioner : Mr. Abhishek Pandey, Advocate
For State/Respondents Nos. 1 to 4 : Mr. Vinod Tekam, P. L.

Hon'ble Shri Justice Narendra Kumar Vyas

Order On Board

16.09.2021

(1) By way of this instant writ petition under Article 226 of the

Constitution of India, the petitioner is seeking direction to respondent Authorities for registering the FIR on the basis of the complaint made by the petitioner.

(3) On above factual matrix the petitioner has prayed for following relief:

“(i) That, this Hon'ble Court may kindly be pleased to direct the respondent authorities to produce all the relevant records relating to case of the petitioner before this Hon'ble Court for its kind perusal.

(ii) That this Hon'ble Court may kindly be pleased to direct respondent Nos. 1 to 3 to ensure protection of life and liberty of the petitioner from respondents No. 4 to 10.

(iii) That this Hon'ble Court may also kindly be pleased to direct respondents No. 1 and 2 to enquire into the whole matter in a fair and transparent manner and take action against the culprits strictly in accordance with law.

(iv) That this Hon'ble Court may further kindly be pleased to direct respondents No. 1 to 3 to proceed with the departmental enquiry against the petitioner, without any bias or ill-will, strictly in accordance with law.

(v) That this Hon'ble Court may kindly be pleased to direct the respondent authorities to pay compensation of Rs. 5 lacs towards mental and physical harassment and agony suffered by the petitioner at the hands of the respondents and also grant him cost of the petition @ Rs. 20,000/-.

(vi) Any other relief or directions which this Hon'ble Court may deem fit or proper in the facts and circumstances of the case.”

(4) From perusal of reliefs sought, it is quite clear that the petitioner wants that on the basis of complaints made by him, FIR should be registered against respondents No. 5 to 10.

(5) The Hon'ble Supreme Court in case of **Sakiri Vasu Vs. State of Uttar Pradesh & others**¹, has examined the issue holding that the petitioner has remedy of filing of complaint before the concerned Judicial Magistrate First Class under Section 200 of the Cr.P.C. The Supreme Court has again considered and decided the issue in **Sudhir Bhaskarrao Tambe v. Hemant Yashwant Dhage**² and **M. Subramaniam & another Vs. S. Janaki & another**³.

¹ (2008) 2 SCC 409

² (2016) 6 SCC 277

³ (2020) 16 SCC 728

(6) Considering the facts and materials on record and in light of the law laid down by Hon'ble the Supreme Court in the above referred judgments, the present writ petition filed under Article 226 of the Constitution of India, is disposed of with liberty to the petitioner to file complaint under Section 200 or 156(3) of the Cr.P.C. before the court of Judicial Magistrate First Class having jurisdiction over the place of offence and in-turn Magistrate will follow the procedure prescribed under the provisions of the Cr.P.C.

(7) It is made clear that this Court has not expressed any opinion on merits of the case whether the complaint discloses any criminal offence or not.

(8) In view of the above, the instant writ petition is disposed of with the aforesaid liberty granted in favour of the petitioner.

Sd/-
(Narendra Kumar Vyas)
Judge