

NAFR

HIGH COURT OF CHHATTISGARH, BILASPUR

WPCR No. 19 of 2017

Mohan Yadu son of Tulsi Ram Yadu, aged about 34 years, R/o. Village Chicha, P.H. NO. 17, Tahsil Arang- Abhanpur, District- Raipur (C.G.).

---- Petitioner

Versus

1. State of Chhattisgarh, Through: The Secretary, Home Department(Police), Mantralya, Mahanadi Bhawan, New Raipur, District Raipur (C.G.),
2. Inspector General of Police, Raipur Range, District Raipur (C.G.),
3. Superintendent of Police, Raipur, District Raipur (C.G.)
4. Station House Officer, Police Station Mandir Hasaud, Raipur, District- Raipur (C.G.)
5. Lakhan Lal Sahu, Patwari, P.H. No. 17, Village Barouda Chicha, Revenue Circle Mandir Hasaud, Tahsil Arang, District Raipur (C.G.)
6. Ram Naresh Patel, Revenue Inspector, Durg, District Durg (C.G.)
7. prem Das Nages, Assistant Superintendent Land Records, Near Government Hospital, Abhanpur, District Raipur (C.G.).

---- Respondents

For Petitioner : Mr. Sumit Singh Rathore, Advocate on behalf of Mr. Raghvendra Verma, Advocate.
For State/Res. No. 1 to 4 : Mr. Vikash A. Shrivastava, P. L.

Hon'ble Shri Justice Narendra Kumar Vyas

Order On Board

29.06.2021

1. The petitioner has filed instant writ petition (criminal) under Article 226 of the Constitution of India against in-action on the part of respondent Nos. 3 & 4 for non-registration of offences punishable under Section 191, 192, 193 & 199 of the Indian Penal Code, 1860 against respondents No. 5 to 7.
2. Learned counsel for the petitioner would submit that the petitioner has made complaint before Station House Officer,

Police Station Mandir Hasaud, Raipur for registration of offence under Section 191, 192, 193 & 19 of IPC against Respondent No. 5 to 7 on 20.08.2016, but no action has been taken against them on his complaint. On above ground of factual matrix the petitioner has prayed for following relief sought:

“10.1 That, the respondent Nos. 3 & 4 be directed to arrest & investigate the matter against the respondent Nos. 5 to 7 and register the crime for their misdeed.

10.2 Any other relief, which this Hon'ble Court may deem fit and proper, may also be passed in favour of the petitioner together with cost of the petition.”

3. From perusal of reliefs sought, it is quite clear that the petitioner wants that on the basis of complaint, FIR should be registered against respondent Nos. 5 to 7.
4. 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.
5. 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 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 and decide the same expeditiously.
6. It is made clear that this Court has not expressed any opinion on

¹ (2008) 2 SCC 409

² (2016) 6 SCC 277

³ (2020) 16 SCC 728

merits of the case whether the complaint discloses any criminal offence or not.

7. 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

Arun