

NAFR

HIGH COURT OF CHHATTISGARH, BILASPUR

WPCR No. 83 of 2018

Ravi Nagwani, S/o Shri Rajesh Nagwani, Aged About 27 Years, R/o Ward No. 6, Khairagarh Road, Chikhli, Rajnandgaon (C.G.)

---- Petitioner

Versus

1. State of Chhattisgarh, Through: Principle Secretary, Department of Home, Mahanadi Bhawan, Mantralaya, Naya Raipur (C.G.)
2. Director General of Police, Office of the Director General Police, Raipur (C.G.)
3. Inspector General of Police Rajnandgaon, Office of IGP Durg Range, Durg (C.G.)
4. Superintendent of Police, Office of Superintendent of Police Rajnandgaon (C.G.)
5. Sashi Mohan Singh, Additional Superintendent of Police, Rajnandgaon, (currently posted in Durg) (C.G.)
6. Nand Kishore Sharma, S/o Late Chiranjiv Lal Sharma, Resident of Baldev Bag, Ward No. 14, Rajnandgaon (C.G.)

---- Respondents

For Petitioner : Mr. Amit Buxy, Advocate.

For State/ res. 1 & 4 : Mr. Devendra Pratap Singh, Dy. A.G.

Hon'ble Shri Justice Narendra Kumar Vyas

Order on Board

07/07/2021

1. At the very outset, learned counsel for the petitioner would submit that the petitioner was harassed by the then Additional Superintendent of Police, Rajnandgaon/ respondent No. 5 on so many occasions, therefore, he has filed the present writ petition under Article 226 of the Constitution of India for following reliefs:-

“10.1 That, this Hon'ble Court may kindly be pleased to call for the relevant records of the Respondent No. 5 for its kind perusal and verification and being satisfied pass appropriate orders.

10.2 That, this Hon'ble Court may kindly be pleased to issue an order by the way of writ to Respondent No. 5 and seek explanation for misusing his official powers and position.

10.3 That, this Hon'ble Court may kindly be pleased to direct Respondent No. 1 & 2 to initiate disciplinary proceeding against Respondent No. 5.

An offence under Section 383, 384, 385, 389, 503 and 504 of the Indian Penal Code, 1860 and Section 13 of the Prevention of Corruption Act, 1988 be registered against the Respondent No. 5.

10.4 That, this Hon'ble Court may also kindly direct the Respondent No. 6 to return an amount of INR 1,00,000/- which was given to him under pressure of Respondent No. 5, along with interest.

10.5 Any other relief which this Hon'ble Court kindly deems fit and proper in the facts and circumstances of the case along with costs of the petition may also be awarded."

2. Learned State counsel opposes the prayer made in the petition and would submit that the petitioner himself involved in so many cases and a detailed report against him has also been annexed along with this writ petition. He would further submit that the petitioner has earlier made complaint before Judicial Magistrate First Class, but has not received any fruitful result on that. He would also submit that the Superintendent of Police, Rajnandgaon has also conducted enquiry as per direction of Inspector General of Police and has found nothing against respondent No. 5 in the investigation, therefore, the present writ petition is liable to be dismissed.
3. In view of the submission made by learned counsel for the parties as well as the facts and circumstances of the case, this writ petition is not maintainable as the disputed facts are emerged from pleadings of the parties, which cannot be adjudicated by this Court while exercising power under Article 226 of the Constitution of India, therefore, the present writ petition is liable to be and is hereby dismissed. However, liberty is granted to the petitioner to raise his grievance before the appropriate forum, in accordance with law.
4. With these observations, this writ petition is dismissed with the aforesaid liberty granted in favour of the petitioner

Sd/-
(Narendra Kumar Vyas)
Judge