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HIGH COURT OF CHHATTISGARH, BILASPUR

WPCR No. 102 of 2020

Satkali Bawre, W/o Jitendra Bawre, Aged About 38 Years, R/o Village - Binauri, Tahsil - Masturi, District - Bilaspur (C.G.)

---- Petitioner

Versus

1. State of Chhattisgarh, through the Secretary, Home (Police) Department, Atal Nagar, Mantralaya, New Raipur (C.G.)
2. The Director General of Police, Police Headquarter, Atal Nagar, New Raipur (C.G.)
3. The Superintendent of Police, Bilaspur, District- Bilaspur (C.G.)
4. The Station House Officer/ Deputy Superintendent of Police, Anusuchit Jati/ Janjati Thana, Bilaspur, District – Bilaspur (C.G.)
5. Station House Officer, Police Station- Civil Line, Bilaspur (C.G.)
6. Suresh Singh Thakur, posted as District Programme Officer, Women and Child Development Department, Bilaspur (C.G.) (Accused / Culprit)

---- Respondents

For Petitioner : Mr. Kamlesh Kumar Pandey, Advocate.

For State : Mr. Gurudev I. Sharan, Govt. Advocate.

Hon'ble Shri Justice Narendra Kumar Vyas

Order On Board

29.07.2021

1. The petitioner has filed this writ petition under Article 226 of the Constitution of India for registration of FIR against respondent No. 6 on the basis of complaint made by the petitioner.

2. The brief facts as projected by the petitioner are that the petitioner is president of Sonu Swa-Sahayta Samuh, Binauri (for short “the Samuh”), who has been authorized to supply ready to eat food. Respondent No. 6 cancelled the agreement executed in favour of the Samuh against which, an appeal was preferred before Additional Collector, Bilaspur and vide order dated 02.04.2018, the Additional Collector, Bilaspur granted stay in favour of the Samuh, as such, the petitioner continued in

supplying ready to eat food, but respondent No. 6 was pressurizing to stop the same and having grudge against the petitioner. On 13.09.2018, respondent No. 6 called the petitioner through Project Officer, the petitioner went to office of respondent No. 6, where, he misbehaved with the petitioner, abused her with filthy & derogative language, insulted her in name of her caste and tried to outrage her modesty. The petitioner made a complaint on 14.09.2018 (Annexure P/1) and several other complaints before respondent authorities to register FIR against respondent No. 6, but no action has been taken against him till date.

3. From perusal of reliefs sought, it is quite clear that the petitioner wants that on the basis of complaints, FIR should be registered against respondent No. 6- Suresh Singh Thakur.

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.

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1 (2008) 2 SCC 409
2 (2016) 6 SCC 277
3 (2020) 16 SCC 728

6. 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.

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