

NAFR

HIGH COURT OF CHHATTISGARH, BILASPUR

WPCR No. 159 of 2018

- Gaukaran Sahu S/o Late Shri Bhojram Sahu Aged About 52 Years R/o Village Akharapali , Thana - Urga , District Korba Chhattisgarh

---- Petitioner

Versus

1. State Of Chhattisgarh Through Secretary, Home Department Mahanadi Bhawan Naya Raipur District Raipur Chhattisgarh
2. Director General Of Police , Police Head Office Raipur District Raipur Chhattisgarh.
3. District Magistrate Janjgir Champa District Janjgir Champa Chhattisgarh.
4. Superintendent Of Police Janjgir Champa District Janjgir Champa Chhattisgarh.
5. Superintendent Of Police, Korba District Korba Chhattisgarh.
6. Deputy Superintendent Of Police , Korba District Korba Chhattisgarh.
7. Station House Officer , Thana Baradwar District Janjgir - Champa Chhattisgarh.
8. Medical Officer , Primary Health Centre , Baradwar , District Janjgir Champa Chhattisgarh.
9. Dharam Lal Sahu S/o Manglu Ram Sahu , R/o Village Parsadakala Thana Baradwar District Janjgir Champa Chhattisgarh.
10. Dhaneshwar Sahu S/o Kaushal Sahu Village Kohanri (Pathan) Thana - Baradwar District Janjgir Champa Chhattisgarh.

---- Respondents

For Petitioner	:	Mr. Sanjay Patel, Advocate.
For State/Res. No. 1 to 8	:	Mr. Hariom Rai, Panel Lawyer

Hon'ble Shri Justice Narendra Kumar Vyas

Order On Board

04.08.2021

1. The petitioner has filed this writ petition under Article 226 of the Constitution of India seeking direction to police authorities to register FIR against respondents No. 9 and 10 and submit a report under Section 173 of Cr.P.C. before concerned

Magistrate/Court.

2. The brief facts as projected by the petitioner are that petitioner is the father of the deceased Sumiran Lal Sahu who was found dead in suspicious circumstances on 05.10.2017. It has been contended by the petitioner that his son was having friendship with a girl who is daughter of respondent No. 9. She called his son on 04.10.2017 and asked to reach her house. On 05.10.2017, his son was found hanging in the courtyard near the house of respondent No. 9. A bare perusal of the photographs would show that it was a case of murder not suicide. Therefore, on the basis of factual matrix of the case, FIR should be registered against private respondents, investigation be carried out and report under Section 173 Cr.P.C. be submitted before the concerned Court.
3. From perusal of reliefs sought, it is quite clear that the petitioner wants that on the basis of complaint, FIR be registered against respondents No. 9 and 10 and investigation be carried out on account of suspicious death of his son.
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.

¹ (2008) 2 SCC 409

² (2016) 6 SCC 277

³ (2020) 16 SCC 728

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.

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