

HIGH COURT OF CHHATTISGARH, BILASPUR**WPCR No. 182 of 2020**

1. Deepak Chand Kothari S/o Late Balchand G. Kothari, Aged About 46 Years R/o House No. 06, C-32, Near Memon Nursing Home, Shailendra Nagar, Raipur, District Raipur Chhattisgarh. 492001 Mobile No. 919827123111, District : Raipur, Chhattisgarh
 2. Smt. Nisha Jain Kothari W/o Shri Deepak Chand Kothari, Aged About 39 Years R/o House No. 06, C-32, Near Memon Nursing Home, Shailendra Nagar, Raipur, District Raipur Chhattisgarh. 492001 Mobile No. 919827123111, District : Raipur, Chhattisgarh
 3. Smt. Varsha Parakh, W/o Shri Kushal Parakh, Aged About 41 Years R/o Manglam, Main Road, Jagdalpur, District Bastar Chhattisgarh. 494001, District : Bastar(Jagdalpur), Chhattisgarh
- Petitioners**

Versus

1. State of Chhattisgarh Through The Secretary, Department Of Home, Mahanadi Bhavan, New Raipur, Raipur Chhattisgarh. 495001, District : Raipur, Chhattisgarh
 2. Inspector General Of Police (I.G.), Range Raipur, Shankar Nagar, Raipur, District Raipur Chhattisgarh, District : Raipur, Chhattisgarh
 3. Inspector General Of Police (I.G.), Range Durg, District Durg Chhattisgarh., District : Durg, Chhattisgarh
 4. Superintendent Of Police (S.P.), Civil-Revenue District Raipur Chhattisgarh, District : Raipur, Chhattisgarh
 5. Superintendent Of Police (S.P.), Civil- Revenue District Durg Chhattisgarh, District : Durg, Chhattisgarh
 6. Additional Superintendent Of Police (A.S.P.), Office Of Multipurpose Parking, Jaistambh, City Raipur, District Raipur Chhattisgarh, District : Raipur, Chhattisgarh
 7. Additional Suprintendent Of Police (A.S.P.), P.S. City Kotwali, City Raipur, District Raipur Chhattisgarh, District : Raipur, Chhattisgarh
 8. Station House Officer (Sho), Police Station City Kotwali, Sadar-Bazar, Raipur, District Raipur Chhattisgarh, District : Raipur, Chhattisgarh
 9. The Nagar Police Adhikshak (C.S.P.), Office Of C.S.P. At City-Durg, District Durg Chhattisgarh. 0788-2210393, District : Durg, Chhattisgarh
 10. Amit Jiwan, S/o Late Shri Lakhiram Jiwan, Aged About 61 Years By Post Director, Kawar Shree Buildcon Pvt. Ltd., R/o F-7, Rajeev Nagar, Lodhipara- Chowk, Near Crystal Tower, P.S. City Kotwali, Raipur District Raipur Chhattisgarh. Mob N. 9329100996,
- Respondents**

For petitioner	:	Mr. Jameel Akhtar Lohani, Advocate.
For State	:	Mr. Devendra Prasad Singh, Dy. A.G.
For respondent No.10	:	Mr. Manoj Parajnpe, Advocate.

Hon'ble Shri Justice Narendra Kumar Vyas

Order on Board

19-07-2021

1. The petitioner has filed the present writ petition (Cr) under Article 226 of the Constitution of India, mainly contending that the petitioner has filed a complaint on 8-11-2019 (Annexure P/3) before the Additional Superintendent of Police, Raipur, alleging certain allegations against respondent No.10.
2. Learned counsel for the petitioner would submit that the said complaint has been transferred to Superintendent of Police, Durg for further investigation vide its memo dated 14-11-2019. He would further submit that the said complaint has wrongly been transferred to Superintendent of Police, Durg whereas in the case of respondent No.10 he has made a complaint of which the matter be investigated at Raipur only, therefore, both the complaints made by the petitioner and respondent No.10 be transferred to Raipur,
3. Learned State counsel would submit that they have no objection if the matter is investigated on the complaints made by the petitioner as well as by respondent No.10 by Raipur Police.
4. On the other hand, learned counsel for the respondent No.10 would submit that though they have already paid the entire amount, still the petitioner has not executed the sale deed, therefore, the petitioner has committed offence of cheating.

5. Be that as it may, this court is not examining the merits of the case, but only considered the prayer made by the petitioner which he has mentioned in para 10.1 of the petition which reads as under.

“10.1. That this Honorable Court kindly be pleased to allow this writ petition by passing appropriate orders or directions to respondents regarding protection of life and personal liberty of the petitioners, being the protectors of civil liberties of citizens”.

6. Learned counsel for the State as well as counsel for respondent No.10 would submit that they have no objection if this court directs that the investigation be carried out at Raipur only.
7. Considering the submissions made by learned counsel for the parties, further considering the fact that the agreement has been executed at Raipur, the petitioner and respondent No.10 are residents of Raipur and considering the fact that on the basis of complaints made by the petitioner and respondent No.10, Raipur Police has already started investigation, Superintendent of Police, Raipur is directed to investigate the matter on the complaints made by the petitioner as well as by respondent No.10, in accordance with law.
8. This court has not expressed any opinion on the merits of the case and it is for the authorities to investigate the matter according to their own prescribed procedure and without there being influenced by any observations made by this court in this petition while deciding the complaints.
9. With the aforesaid observations, the instant petition is disposed of.

Sd/-

(Narendra Kumar Vyas)

Judge

Raju