

NAFR

HIGH COURT OF CHHATTISGARH, BILASPUR

WPCR No. 503 of 2017

Virendra Kumar Verma, S/o Late Ramnath Verma, Aged About 56 Years, In-charge Assistant Engineer (Electrical), Rural Engineering Services, Lohandigauda, R/o Near Telephone Exchange Jagdalpur, P. S., Tahsil & District- Jagdalpur (C.G.)

---- Petitioner

Versus

1. State of Chhattisgarh, Through: the Secretary, Home Department, Mahanadi Bhawan, Mantralaya, Naya Raipur, District- Raipur (C.G.)
2. The Secretary, Panchayat & Rural Development, Mahanadi Bhawan, Mantralaya, Naya Raipur, District- Raipur (C.G.)
3. The Superintendent of Police, Ambikapur, District- Ambikapur (C.G.)
4. The Chief Engineer, Rural Engineering Department, Vikas Aayukta Karyalaya, Raipur, District- Raipur (C.G.)
5. The Superintendent Engineer, Rural Engineering Services, Surguja Division, Ambikapur (C.G.)
6. The Office of the Minister for Labour, Sports and Youth Welfare, Department of Public Complaint and Redressal, Through the Office Secretary to the Honble The Minister Shri Bhaiyalal Rajwade, Minister for Labour, Sports and Youth Welfare, Department of Public Complaint and Redressal, Mahanadi Bhawan, Mantralaya, Naya Raipur, District- Raipur (C.G.)

---- Respondents

For Petitioner	:	Mr. Harshwardhan Parganiha, Advocate.
For State	:	Mrs. M. Asha, Panel Lawyer.

Hon'ble Shri Justice Narendra Kumar Vyas

Order On Board

05.07.2021

1. The petitioner has filed this writ petition under Article 226 of the Constitution of India for registration of FIR in respect of complaint dated 06.04.2016 & letter dated 19.12.2015 (Annexure P/4).
2. The brief facts as projected by the petitioner are that the petitioner was posted as In-charge Assistant Engineer

(Electrical), Rural Engineering Services at Ambikapur till year 2016. On 14.09.2015, a complaint in the letter pad of the then Minister for Labour, Sports and Youth Welfare Department was sent to Chief Engineer, Rural Engineering Services, Raipur for certain irregularities committed by the petitioner. Thereafter, the then Minister Bhaiya Lal Rajwade vide letter dated 19.12.2015 informed the Superintendent of Police, Surguja that his letter pad has been misused by someone and requested to take action on his complaint, but no action has been taken. The State has filed their return, in which, they have annexed copy of enquiry report dated 16.06.2016, which shows that there is no compoundable offence against respondent No. 6.

3. Be that as it may, learned counsel for the petitioner would submit that he may be given permission to file complaint against respondent No. 6.
4. 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 No. 6 as per complaint dated 06.04.2016 & letter dated 19.12.2015 (Annexure P/4).
5. 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.
6. 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

¹ (2008) 2 SCC 409

² (2016) 6 SCC 277

³ (2020) 16 SCC 728

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.

7. 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.
8. 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