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HIGH COURT OF CHHATTISGARH, BILASPUR

WPCR No. 363 of 2021

Harjeet Kaur, S/o Sardar Narendra Singh, Aged About 39 Years, R/o Housing Board Colony, House No. 147, Behind Balaji Super Market, Near Peepal Tree, Balco, District- Korba (C.G.)
---- Petitioner

Versus

1. State of Chhattisgarh, Through: the Secretary, Department of Home Affairs (Police) New Raipur, Mantralaya, New Raipur, Civil and Revenue District- Raipur (C.G.)
2. Director General of Police Raipur, District- Raipur (C.G.)
3. Inspector General of Police, Range Raipur, District- Raipur (C.G.)
4. Superintendent of Police Raipur, Civil and Revenue District- Raipur (C.G.)
5. District Magistrate Raipur, Civil and Revenue District- Raipur (C.G.)
6. Station House Officer Police Station Rakhi, District- Raipur (C.G.)
7. Ujjawal Diwan, Aged About 38 Years, Working as Constable at Police Station Rakhi, Post and Police Station Rakhi, Tahsil and District- Raipur (C.G.)
8. Virendra Kumar Sahu, S/o Shri Ganga Ram Sahu, R/o Aama Talab Road, In front of Indour Stadium, Dhamtari, District- Dhamtari (C.G.)
9. Devendra Kumar Verma, S/o Shri Dwarika Prasad Verma, R/o Village Murra, Post Kunra, Tahsil and District- Raipur (C.G.)
10. Mukesh Kumar Banchhor, S/o Shri Tameshwar Kumar Banchhor, R/o Village Kashi, Post Gujra, Tahsil Patan, District- Durg (C.G.)

---- Respondents

For Petitioner : Mr. Punit Ruparel, Advocate.

For State : Mr. Uddhav Sharma, Govt. Advocate.

Hon'ble Shri Justice Narendra Kumar Vyas
Order On Board

27.08.2021

1. The petitioner has filed this writ petition under Article 226 of the Constitution of India for registration of FIR against respondent No. 7 to 10 with following reliefs:-
 - (i) That, this Hon'ble Court may kindly be pleased to direct the respondent authority (respondent No. 6) to register an FIR against the respondent No. 7 to 10.
 - (ii) That this Hon'ble Court may kindly be pleased to direct the respondent No. 1 to 6 to take action against the culprit respondent No. 7 to 10.
 - (iii) Cost of the petition may also be granted to the petitioner.
 - (iv) Any other relief, which this Hon'ble Court deems fit and proper, may also, kindly be granted to the petitioner in the interest of justice.

2. The present petition is against inaction of the police authority for not registering FIR against respondent No. 7 to 10. The petitioner is subjected to forcefully false agreement on pressure created by respondent No. 7, who is working as constable in Police Station- Rakhi, Raipur in favour of respondent No. 8 to 10.
3. 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. 7- Ujjawal Diwan, respondent No. 8- Virendra Kumar Sahu, respondent No. 9- Devendra Kumar Verma & respondent No. 10- Mukesh Kumar Banchhor.
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 200/156 (3) 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.
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

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