

NAFR

HIGH COURT OF CHHATTISGARH, BILASPUR

WPCR No. 246 of 2018

Thakur Narendra Singh, S/o Shri Thakur Janardan Singh, Aged About 59 Years, R/o Lal Bag Police Lines, BNC Mill Road, Rajnandgaon, District- Rajnandgaon (C.G.)

---- Petitioner

Versus

1. State of Chhattisgarh, Through Secretary, Home Department, Mahanadi Bhawan, Naya Raipur, District- Raipur (C.G.)
2. Director General of Police, Police Head Office, Raipur, District- Raipur (C.G.)
3. Superintendent of Police, Raipur, District- Raipur (C.G.)
4. Station House Officer, Police Station- Village- Rakhi, Naya Raipur, District- Raipur (C.G.)
5. Ravindra Gaikwad, S/o Vasudeo Rao Gaikwad, Aged About 54 Years, Overseer, Incharge Deputy Director, Karyalaya Prabhari, Government Printing Press and Stationary Department, Indrawati Bhawan, Block-1, Second Floor, Naya Raipur, District- Raipur (C.G.)

---- Respondents

For Petitioner : Mr. Sanjay Patel, Advocate.

For State : Mr. Rakesh Sahu, 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. 5 on the basis of complaint made by the petitioner.
2. The brief facts as projected by the petitioner are that the petitioner is posted as Mechanic-cum-Electrician in Government Printing Press and Stationary Department where respondent No. 5 is at present posted as Overseer, In-charge Deputy Director, who was initially appointed as Tracer (Anurekhak). While entering into the service, respondent No. 5 had submitted forged mark-sheets and certificate. A number of applications under RTI

was sought from employer department with respect to the mark-sheets and certificate of respondent No. 5, but respondent No. 5 refused to produce the same. Even, State Government asked to respondent No. 5 to produce certificate, but he is not producing the same. With regard to forge document of respondent No. 5, number of complaints have been made before the State Government, despite this, the State Government promoting respondent No. 5. The petitioner moved several complaints to respondent authorities to investigate the matter and to register FIR against respondent No. 5, 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. 5- Ravindra Gaikwad.
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.

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