

NAFR

HIGH COURT OF CHHATTISGARH, BILASPUR**WPCR No. 350 of 2021**

Ajay Kumar Agrawal, S/o Shri Mahaveer Agrawal, Aged About 40 Years, R/o Ward No.5, Baradwar, District Janjgir-Champa, Chhattisgarh.

---- Petitioner

Versus

1. State of Chhattisgarh, Through The Secretary, Home Department, Mantralaya, Mahanadi Bhawan, Atal Nagar Nawa Raipur, District Raipur, Chhattisgarh.
2. Director General of Police, Police Head Quarter, Atal Nagar Nawa Raipur, District Raipur Chhattisgarh.
3. Inspector General of Police, Bilaspur Range, Bilaspur, District Bilaspur, Chhattisgarh.
4. Superintendent of Police, District Janjgir-Champa, Chhattisgarh.
5. Station House Officer, Police Station Saragaon, District Janjgir-Champa, Chhattisgarh.
6. Sushil Kumar Agrawal, S/o Hetram Agrawal, Aged About 54 Years, R/o Ward No.6, Naya Baradwar, District Janjgir-Champa, Chhattisgarh.
7. Anil Kumar Agrawal, S/o Devnarayan Agrawal, Aged About 47 Years, R/o Kalindi Kunj, Kabir Chowk, Ward No.36, Raigarh, District Raigarh, Chhattisgarh.
8. Sanjay Kumar Agrawal, S/o Devnarayan Agrawal, Aged About 42 Years, R/o Kalindi Kunj, Kabir Chowk, Ward No.36, Raigarh, District Raigarh, Chhattisgarh.

---- Respondents

For Petitioner	: Mr. Shashank Thakur, Advocate.
For State	: Mr. Rakesh Sahu, Deputy G. A.

Hon'ble Shri Justice Narendra Kumar Vyas**Order On Board****21.06.2021**

1. Learned counsel for the Petitioner submits that the petitioner has made complaint before the Police Station Baradwar under Sections 420, 468, 471, 120-B of Indian Penal Code on 26.12.2020, but no investigation has been carried out till today.

He further submits that Petitioner has again made the complaint before the Superintendent of Police on 23.01.2020 alleging the fraud committed by Patwari and Respondent No.6 (Sushil Kumar Agrawal), respondent No.7 (Anil Kumar Agrawal) and respondent No.8 (Sanjay Kumar Agrawal), but no action has been taken against them. Thereafter, he made another complaints on 04.07.2020 & 02.03.2021, but again no action has been taken by the Superintendent of Police.

2. On the above factual matrix, the petitioner has prayed for registration of FIR against Respondent No. 6-Sushil Kumar Agrawal, Respondent No. 7-Anil Kumar Agrawal & Respondent No. 8-Sanjay Kumar Agrawal for committing offence under Section 420, 468, 471, 120-B of I.P.C.
3. 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.
4. 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

¹(2008) 2 SCC 409

²(2016) 6 SCC 277

³(2020) 16 SCC 728

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.

5. 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.
6. 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