

NAFR

HIGH COURT OF CHHATTISGARH, BILASPUR

WPCR No. 279 of 2018

- Priyanshi Singh D/o Shri Rajesh Singh, Aged About 20 Years R/o In House Of J.L. Naik Aghariyapara, Purana Basti, Jhanda Chowk, Jharsugda District Jharsugda (Odisha) At Present Resides At House Of Gupta Ji Girls Hostel Koni, P.S. Koni, Tahsil And District Bilaspur Chhattisgarh.

---- Petitioner

Versus

1. State Of Chhattisgarh Through Its Home Department Mahanadi Bhawan, Naya Raipur Mantralaya District Raipur Chhattisgarh.
2. The Director General Of Police Police Head Quarter, Naya Raipur, District Raipur Chhattisgarh.
3. The Inspector General Of Police Bilaspur Range, District Bilaspur Chhattisgarh.
4. The Superintendent Of Police Bilaspur, District Bilaspur Chhattisgarh.
5. The Station House Officer, Police Station Koni Bilaspur, District Bilaspur Chhattisgarh.
6. Amit Singh @ Amit Kumar Singh, S/o Shri Surendra Kumar Singh Aged About 32 Years Village Jitwarpur- Mahesiya Post Sutihar, P.S. Dernibihar, District Chapra (Now Sharan) (Bihar) At Present Resided At In Front Of House Of Munna, Budha Colony, Kasaigoda Sambalpur District Sambalpur (Odisha).

---- Respondents

For Petitioner : Mr. J.N. Nande, Advocate.

For State/Res. No. 1 to 4: Mr. Rakesh Sahu, Dy. Govt. Advocate.

Hon'ble Shri Justice Narendra Kumar Vyas

Order On Board

20.09.2021

1. The petitioner has filed this writ petition under Article 226 of the Constitution of India seeking direction to respondents authorities to register FIR on basis of complaint made by the petitioner on 31.01.2017.
2. The brief facts as projected by the petitioner is that she has

made complaint on 31.01.2017 before the Superintendent of Police, Bilaspur against the threats given by respondent No. 6 wherein she has stated that he has given threatening her to kill and defame her, but no action has been taken. Whereas, on complaint made by his father FIR has been registered against respondent No. 6 under Sections 506, 354(D), 507(B) IPC and Section 67-A of the I.T. Act. Thereafter, final report has also been submitted before the concerning Magistrate and investigation is pending against respondent No. 6.

3. From bare perusal of reliefs sought, it is quite clear that the petitioner wants that on the basis of complaint, FIR be registered against respondent No. 6 -Amit Singh.
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 Sections 200 of the Cr.P.C.or Section 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

¹ (2008) 2 SCC 409

² (2016) 6 SCC 277

³ (2020) 16 SCC 728

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**

Deshmukh