

NAFR

HIGH COURT OF CHHATTISGARH, BILASPUR

WPCR No. 434 of 2021

Harish Kumar Chaturvedi, S/o Late Shri Dilip Chaturvedi, Aged About 27 Years, R/o Village - Jali, Police Station – Ratanpur, Tehsil- Ratanpur, District - Bilaspur (C.G.)

---- Petitioner

Versus

1. State of Chhattisgarh, through the Secretary, Department of Home, Mahanadi Bhavan, Mantralaya, New Raipur, Police Station Rakhi, District- Raipur (C.G.)
2. Inspector General of Police, Bilaspur Range, Civil Lines Bilaspur District – Bilaspur (C.G.)
3. Superintendent of Police - Bilaspur, District – Bilaspur (C.G.)
4. Station House Officer, Police Station- Ratanpur, District- Bilaspur (C.G.)
5. Laxminarayan @ Raju Singh, S/o Shri Amar Singh Rajput, Aged About 36 Years, R/o Village - Jali, Police Station & Tehsil- Ratanpur, District – Bilaspur (C.G.)
6. Hemant Singh @ Rinku Singh, S/o Shri Amar Singh Rajput, Aged About 38 Years, R/o Village - Jali, Police Station & Tehsil- Ratanpur, District - Bilaspur (C.G.)
7. Pawan Singh @ Pinku Singh, S/o Shri Amar Singh Rajput, Aged About 31 Years, R/o Village - Jali, Police Station & Tehsil- Ratanpur, District - Bilaspur (C.G.)
8. Ramesh Yadav, S/o Bharat Yadav, Aged About 37 Years, R/o Village - Jali, Police Station & Tehsil- Ratanpur, District – Bilaspur (C.G.)

---- Respondents

For Petitioner : Mr. Ashutosh Shukla, Advocate.

For State : Mr. Gurudev I. Sharan, Govt. Advocate.

Hon'ble Shri Justice Narendra Kumar Vyas

Order On Board

15.07.2021

1. The petitioner has filed this writ petition under Article 226 of the Constitution of India for registration of FIR against respondent No. 5 to 8 on the basis of complaint made by the petitioner.
2. The brief facts as projected by the petitioner are that on

29.03.2021, father of the petitioner deceased Dilip Chaturvedi along with one Lakheshwar Tiwari on festival of Holi went a shop to buy some electrical items and while returning back home, respondent No. 5 to 8 started fighting with Lakheshwar Tiwari. Father of the petitioner, who tried to stop, respondent No. 5 to 8 have started beating with blow and fists to him. As a result of which, father of the petitioner deceased Dilip Chaturvedi sustained serious injuries and died on next morning i.e. on 30.03.2021. On 02.04.2021, the petitioner went to Police Station- Ratanpur to lodge FIR against respondent No. 5 to 8, but no FIR has been registered against them, thereafter, the petitioner made a complaint on 09.04.2021 before Superintendent of Police, Bilaspur, but still no action has been taken on the complaints made by the petitioner. Gram Panchayat, Village- Jali has also written a letter to the Hon'ble Prime Minister and the Hon'ble Chief Minister to take actions against respondent No. 5 to 8, but no action has been taken against them.

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- Laxminarayan @ Raju Singh, respondent No. 6- Hemant Singh @ Rinku Singh, respondent No. 7- Pawan Singh @ Pinku Singh & respondent No. 8- Ramesh Yadav.
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.

¹ (2008) 2 SCC 409

² (2016) 6 SCC 277

³ (2020) 16 SCC 728

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.
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