

NAFR

HIGH COURT OF CHHATTISGARH, BILASPUR

WPCR No. 380 of 2021

Narottam Ram Dhruv, S/o Dukhiram Dhruv, Aged About 54 Years, R/o Galaxy Apartment, Uslapur, District- Bilaspur (C.G.)

---- Petitioner

Versus

1. State of Chhattisgarh, through the Secretary, Department of Law and Legislative Affairs, Mantralaya, Mahanadi Bhawan, Nawa Raipur Atal Nagar (C.G.)
2. Station House Officer, Police Station Sakri, District- Bilaspur (C.G.)
3. Anand Chaturvedi, S/o B.K. Chaturvedi, R/o Above Ajanta Clinic, Mahadev Ghat, Police Station- D.D. Nagar, District- Raipur (C.G.)

---- Respondents

For Petitioner : Mr. Malay Shrivastava, Advocate.

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

Hon'ble Shri Justice Narendra Kumar Vyas

Order On Board

29.06.2021

1. The petitioner has filed this writ petition under Article 226 of the Constitution of India for registration of FIR against respondent No.3.
2. The brief facts as projected by the petitioner are that in the month of January, 2020, respondent No. 3 has taken Rs. 1,50,000/- from the petitioner to secure job of peon at Mantralaya, Raipur for petitioner's son. The petitioner paid the said amount to respondent No. 3 in three installments, but no appointment order has been issued in favour of petitioner's son. The petitioner demanded money from respondent No. 3, but respondent No. 3 has not returned the money, therefore, the petitioner submitted a complaint on 01.04.2021 before Police Station- Sakri, District- Bilaspur, no action has been taken by the police authority.

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. 3- Anand Chaturvedi.
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.
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