

NAFR

HIGH COURT OF CHHATTISGARH, BILASPUROrder reserved on 14-07-2021Order delivered on 05-10-2021WA No. 186 of 2021

1. Manab Paul S/o Late Satyendra Nath Paul Aged About 54 Years R/o D- 5/21, Gayatri Nagar, Shankar Nagar Raipur Chhattisgarh
2. Manoj Mishra S/o Shri Vijay Mishra Aged About 58 Years R/o Gayatri Nagar, Akash Nagar, Shankar Nagar Raipur Chhattisgarh

---- Appellants

Versus

1. State Of Chhattisgarh Through Its Secretary , Ministry Of Home , Mahanadi Bhawan, Capital Complex, Naya Raipur , District Raipur Chhattisgarh
2. The Station House Officer Police Station Koni, Bilaspur , District Bilaspur Chhattisgarh
3. Sanjay Kumar Patle S/o Shri Jageshwar Patle Aged About 28 Years R/o Birgahni, Jarhagaon , Mungeli Chhattisgarh Mobile No. 7974893179.
4. Anil Kumar Baghel S/o Shri Ranjeet Singh Baghel R/o MIG A 43, Sagardeep Enclave, Phase 2, Ameri, Bilaspur Chhattisgarh, Mobile No. 6261550066

---- Respondents

For Appellants :- Mr. B.P. Sharma, Advocate

For Respondent /State :- Mr. Chandresh Shrivastava, Dy.AG

Hon'ble Mr. Prashant Kumar Mishra, Ag.CJ
Hon'ble Smt. Rajani Dubey. J

CAV Order

The following order of the Court is passed by **Prashant Kumar Mishra, Ag.CJ.**

1. This intra Court appeal would call in question the impugned interim order passed by the learned Single Judge refusing to grant interim relief to the appellants (henceforth 'the petitioners') in a writ petition wherein prayer has been made for quashing of FIR No.0070/2021 dated 7.4.2021 registered at Police Station Koni, Bilaspur, for offence under Section 420 r/w Section 34 of the I.P.C.
2. By preferring I.A. No.1 in the writ petition, the petitioners prayed for a direction to the respondent No.2 i.e., SHO, P.S. Koni, Bilaspur not to take any coercive action against the petitioners in respect of the subject FIR.
3. By a detailed order, the learned Single Judge has rejected the prayer for grant of interim relief.
4. Under Section 2 (1) of the C.G. High Court (Appeal to Division Bench) Act, 2006 an intra Court appeal against an interim order is not maintainable. An appeal would lie against those orders which have an element of finality attached to them (See: **Ajay Gupta V. State of Chhattisgarh and Others** reported in 2017 SCC OnLine Chh 111).
5. It is the trite law that normally, when the investigation is in progress and the facts are hazy and the entire evidence/material is not before the High Court, the High Court should restrain itself from passing the interim order of

not to arrest or “no coercive steps to be adopted”. It is also the well settled law that whenever an interim order is passed by the High Court of “no coercive steps to be adopted” the High Court must clarify what does it mean by “no coercive steps to be adopted” as the term “no coercive steps to be adopted” can be said to be too vague and/or broad which can be misunderstood and/or misapplied (See : **M/s. Neeharika Infrastructure Pvt. Ltd. v. State of Maharashtra and Others** reported in AIR 2021 SC 1918).

6. Since learned Single Judge has already observed that submissions made by learned counsel for the parties have been considered only for the purpose of deciding an application for grant of interim relief and any observation made in the impugned order shall not adversely effect the rights of the petitioners to defend themselves in the trial or at the time of final hearing of the writ petition, we are not inclined to entertain this writ appeal.
7. Accordingly, the writ appeal is dismissed.

SD/-

SD/-

(Prashant Kumar Mishra)
Acting Chief Justice

(Rajani Dubey)
Judge