

NAFR

HIGH COURT OF CHHATTISGARH, BILASPUR

WPCR No. 457 of 2021

Jagdish Prasad Banjare, S/o Hiraram Banjare, Aged About 40 Years,
R/o Village Birra, Tashil Bumnidih, Police Station- Birra, District-
Janjgir- Champa (C.G.)

---- Petitioner

Versus

1. State of Chhattisgarh, through Secretary, Department of Home, Mahanadi Bhawan, Mantralaya, Atal Nagar, Nawa Raipur, District- Raipur (C.G.)
2. Director General of Police Head Quarter Raipur, District- Raipur (C.G.)
3. Inspector General of Police Division- Bilaspur Range (C.G.)
4. Superintendent of Police, Janjgir- Champa, District- Janjgir- Champa (C.G.)
5. Dy. Superintendent of Police (AJK), Janjgir, District- Janjgir- Champa (C.G.)
6. Station House Officer, Police Station- Birra, District- Janjgir- Champa (C.G.)
7. Rohit Patel, S/o Kedarnath Patel, Aged About 43 Years (Posted as Gram Panchayat Secretary), R/o Village- Dabhrakhurd, Post Birra, Police Station- Birra, Tehsil- Bumnidih, District- Janjgir- Champa (C.G.)

---- Respondents

For Petitioner	:	Mr. Chitendra Singh, Advocate.
For State/ Res. 1 to 6	:	Mr. Rakesh Sahu, Govt. Advocate.
For Respondent No. 7	:	Mr. Suresh Kumar Verma, Advocate.

Hon'ble Shri Justice Narendra Kumar Vyas

Order On Board

30.07.2021

1. The petitioner has filed this writ petition under Article 226 of the Constitution of India for registration of FIR against respondent No. 7 on the basis of complaint made by the petitioner.
2. The brief facts as projected by the petitioner are that the petitioner belongs to Scheduled Caste and elected Panch of

Ward No. 16. On 10.03.2021 at about 7:30 p.m. by order of respondent No. 7, one Jitendra Kashyap & Chouhan came to the petitioner to take consent by putting signature in meeting information register for meeting, which was to be conducted on 12.03.2021. It was informed by one Kishan Kashyap on 12.03.2021 that word 'Chamra' has been written and marked after name of the petitioner in the meeting information register and the same was circulated in village as well to the petitioner by whatsapp. On enquiry, it was found that the objectionable word relating to caste of the petitioner, has been put by respondent No. 7. In this regard, the petitioner made a complaint on 12.03.2021 before Station House Officer, Birra and on 09.04.2021 before Superintendent of Police, Janjgir-Champa to register FIR against respondent No. 7, but no action has been taken against him till date.

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. 7- Rohit Patel.
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.

¹ (2008) 2 SCC 409

² (2016) 6 SCC 277

³ (2020) 16 SCC 728

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