

NAFR

HIGH COURT OF CHHATTISGARH, BILASPUR

WPCR No. 576 of 2017

Neeraj Choubey, S/o Late M.P. Choubey, Aged About 40 Years, R/o Ward No. 3, Shanti Nagar, Bilaspur, Police Station Civil Line, Bilaspur, District- Bilaspur (C.G.)

--- Petitioner

Versus

1. State of Chhattisgarh, Through: Department of Home Police, Mantralaya, Naya Raipur, District- Raipur (C.G.)
2. The Director General of Police, Head Quarter, Raipur, District- Raipur (C.G.)
3. Inspector General of Police, Range- Bilaspur, District- Bilaspur, (C.G.)
4. Superintendent of Police, District- Bilaspur (C.G.)
5. Station House Officer, Sirgitti, Bilaspur, District- Bilaspur (C.G.)
6. Mr. Rahul Tiwari, Presently Posted as S.H.O. at Police Station Sirgitti, Bilaspur, District- Bilaspur (C.G.)

--- Respondents

For Petitioner	:	Mr. Hemant Gupta, Advocate.
For State/Res. 1 to 5	:	Mr. Rakesh Sahu, Govt. Advocate.
For Respondent No. 6	:	Mr. Amiyakant Tiwari, Advocate.

Hon'ble Shri Justice Narendra Kumar Vyas

Order on Board

28/07/2021

1. This writ petition has been filed under Article 226 of the Constitution of India for registration of FIR against culprits on the basis of complaint dated 28.10.2017 (Annexure P/1) made by the petitioner.
2. Learned State counsel would submit that vide order dated 01.03.2018, the State counsel was directed to place on record the investigation, which has been done for registration of offence under Section 323 of I.P.C.
3. Today Mr. Gurudev I. Sharan, Govt. Advocate along with Mr. F.H. Shah, Sub-Inspector posted at Police Station- Sirgitti, District-

Bilaspur (C.G.) are present before this Court and they sought information from the trial court that on the basis of Ishtgasha submitted by the State, Criminal Case No. 486/2018 has been registered against the culprits by learned Judicial Magistrate First Class, Bilaspur (C.G.). Last date of hearing of the case was 19.04.2018 and next date of hearing of the case is 05.10.2021.

4. In view of the submission made by learned State counsel, now criminal law is on motion, the criminal trial is pending before competent criminal Court, therefore, no purpose would be served in continuing with this petition. As such, the present writ petition is disposed of. However, liberty is granted in favour of the petitioner to assist the prosecution and if found that there are material for framing of charges of grievous nature, the petitioner is at liberty to file appropriate application before the trial court where the criminal trial is pending.
5. 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**