

NAFR

HIGH COURT OF CHHATTISGARH, BILASPUR

WPCR No. 553 of 2021

- Sita @ Sheetal Singh D/o Shri Late Sher Singh Aged About 32 Years
R/o Bhartiya Nagar, Near Income Tax Building, Bilaspur District
Bilaspur Chhattisgarh

---- Petitioner

Versus

1. State Of Chhattisgarh Through its Secretary, Department Of Home,
Mahanadi Bhawan, Mantralaya, Atal Nagar, Naya Raipur District
Raipur Chhattisgarh
2. Inspector General Of Police Bilaspur District Bilaspur Chhattisgarh
3. Collector Bilaspur District Bilaspur Chhattisgarh
4. Superintendent Of Police Bilaspur District Bilaspur Chhattisgarh
5. City Superintendent Of Police Civil Line, Bilaspur District Bilaspur
Chhattisgarh
6. The Station House Officer Mahila Thana, Bilaspur District Bilaspur
Chhattisgarh
7. The Station House Officer Police Station Civil Line, Bilaspur District
Bilaspur Chhattisgarh
8. Smt. Premlata Mahilange W/o Shri Bhuneshwar Mahilange Aged
About 40 Years R/o Gurunanak Ward, Bhatapara, District Baloda
Bazar Chhattisgarh
9. Bhuneshwar Mahilange R/o Gurunanak Ward, Bhatapara, District
Baloda Bazar Chhattisgarh
10. Smt. Santoshi Kurre W/o Jitendra Kurre Aged About 35 Years
R/o Chuchuhiyapara, Ganesh Nagar, Bilaspur District Bilaspur
Chhattisgarh

---- Respondents

For Petitioner	:	Mr. K. P. S. Gandhi, Advocate.
For State/Res. No. 1 to 4	:	Mr. D. P. Singh, Dy. A. G.

Hon'ble Shri Justice Narendra Kumar Vyas

Order On Board

27.08.2021

1. The petitioner has filed this writ petition under Article 226 of the
Constitution of India for registration of FIR against respondents
No.8 to 10.
2. The brief facts as projected by the petitioner are that the
petitioner' father who was working in the South East Central
Railway, Bilaspur expired on 10.06.2017. Petitioner's father
deposited Rs.4,50,000/- in the current bank account and in
another bank account Rs.30,00,000/- has been deposited. After
death of his father, respondents No.8 and 10 have withdrawn
Rs.34,50,000/- from the bank account fraudulently and no
amount has been given to the petitioner and sister of petitioner.

Thereafter, the petitioner has lodged a complaint before the Police Station Civil Line, Bilaspur on 06.01.2021, but no action has been taken against them.

3. On the above factual matrix the complainant has prays for following relief(s):-

- (I) That, this Hon'ble Court may kindly be pleased to issue an appropriate writ by directing the respondents No.1 to 7 to take necessary steps upon complaint of the petitioner against respondents No.8 to 10 according to the law laid down by Hon'ble Court in the case of Lalita Kumar Vs. State of U.P., in the interest of justice.
- (ii) That, this Hon'ble Court may kindly be pleased to direct the police authorities to register the case committed under Section 420 of the I.P.C. against the respondents No. 8 to 10 within stipulated time, in the interest of justice.
- (iii) Any other relief which may be suitable in the facts and circumstances of the case may also be granted.

4. From perusal of reliefs sought, it is quite clear that the petitioner wants that on the basis of complaint, FIR should be registered against respondents No. 8 to 10.

5. 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.

6. Considering the facts and materials on record and in light of the law laid down by Hon'ble the Supreme Court in the above

¹ (2008) 2 SCC 409

² (2016) 6 SCC 277

³ (2020) 16 SCC 728

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 Sections 156(3) or 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.

7. 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.
8. 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