

NAFR

HIGH COURT OF CHHATTISGARH, BILASPUR

CRMP No. 898 of 2021

- Rajeev Kumar Sahu S/o Ajeet Ram Sahu, Age: 50 Years, R/o: - D-03 Triveni Vihar, Behind Ramkrishna Hospital, At present residing at E. W.S.- 205 Paramhans Pandey Nagar, Jootmill, Kabir Chowk, Raigarh, Tehsil & District:- Raigarh (Chhattisgarh).

---- Petitioner

Versus

1. State of Chhattisgarh Through Secretary Home Department Mantralay Naya Raipur.
2. Inspector General of Police, Bilaspur, District- Bilaspur (C.G.).
3. Superintendent of Police, Bilaspur District- Bilaspur (C.G.).
4. Superintendent of Police, Raigarh, District- Raigarh (C.G.).
5. Station House Officer of Police Station Chakradhar Nagar, Raigarh (C.G.).
6. XYZ.

---- Respondents

For Petitioner : Mr. Sandeep Yadav, Advocate

For State/Respondents Nos. 1 to 5 : Mr. Gurudev I. Sharan, G. A.

Hon'ble Shri Justice Narendra Kumar Vyas

Order On Board

08.09.2021

(1) By way of filing the instant CRMP 482 of Code of Criminal Procedure, the petitioner is seeking direction to respondent Authorities for taking any action on the basis of the complaint made by the petitioner.

(2) Learned counsel for the petitioner would submit that the petitioner has filed a complaint before the DIG, Bilaspur on 25.02.2020 and on 24.04.2020 and thereafter a complaint was also made before the Superintendent of Police, Raigarh on 09.06.2020 but no action has been taken on his complaint against respondent No. 6 for committing an offence of extortion and harassment.

(3) On above factual matrix the petitioner has prayed for following relief:

“It is therefore, prayed that this Hon'ble Court may kindly be pleased to direct the respondent Police authorities to register an offence for extortion and harassment against the respondent No. 6 and any other relief this Hon'ble Court deems fit be granted.”

(4) From perusal of the prayer made in the petition, it is quite clear that the petitioner wants that on the basis of complaints made by him, an offence should be registered against respondents No. 6.

(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 referred judgments, the present CRMP file under Section 482 of Cr.P.C., is disposed of with liberty to the petitioner to file complaint under Section 200 or 156(3) 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**

¹ (2008) 2 SCC 409

² (2016) 6 SCC 277

³ (2020) 16 SCC 728

Amita