

NAFR

HIGH COURT OF CHHATTISGARH, BILASPUR

WPCR No. 600 of 2021

- Vidyasagar Vikram Singh S/o Manrakhan Lal Deshlehra Aged About 34 Years R/o Village And Post Marra, P. S. Utai Tehsil Patan, District Durg Chhattisgarh, District : Durg, Chhattisgarh

---- Petitioner

Versus

1. State of Chhattisgarh Through The Secretary, Department Of Home(Police), Mahanadi Bhawan, Mantralaya, Atal Nagar, Nawa Raipur District Raipur Chhattisgarh.
 2. Director Inspector General Of Police Raipur Chhattisgarh
 3. Superintendent Of Police Raipur District Raipur Chhattisgarh
 4. Station House Officer P. S. Arang, District Raipur Chhattisgarh
 5. Smt. Juga Bai W/o Late Sonechand Dahriya
 6. Krishna Kumar Dahriya
 7. Smt. Shakuntala W/o Krishna Kumar Dahriya
 8. Omprakash Dahriya
 9. Bhnupratap Dahriya W/o Krishna Kumar Dahriya
 10. Smt. Mamta Dahriya W/o Bhanupratap Dahriya
- Respondents No.5 to 10 R/o Village Kagdehi Post Samoda Tehsil And P. S. Arang, District Raipur Chhattisgarh
11. Smt. Kamleshwari Bai W/o Late Dilip Sonwani R/o Ward No. 10, Nagar Panchayat Palari District- Balodabazar-Bhatapara (C.G.),
 12. Jagat Khandelwal S/o Late Bhukhram Khandelwal
 13. Smt. Sarojni Bai W/o Jagat Khandelwal
 14. Sanjay Khandelwal S/o Jagat Khandelwal
- Respondents No.12 to 14 R/o Village Bahanakaadi Post Kurud Camp, Tehsil, Arang P.S.- Mandir Hasaud District- Raipur (C.G.), District : Raipur, Chhattisgarh
15. Jai Bhadur Banjare President Of Satnami Uthan Avem Jagriti Samiti (Patrika Prakashan) Village- Dondekala Tehsil And District- Raipur (C.G.)

---- Respondents

For Petitioner	:	Mr. Vivek Sharma, Advocate.
For State	:	Mr. Kapil Maini, P. L.

Hon'ble Shri Justice Narendra Kumar Vyas

Order On Board

17.09.2021

1. The petitioner has filed this writ petition under Article 226 of the Constitution of India for following relief(s):-
 - 10.1 That this Hon'ble Court may kindly be pleased to issue a writ, order, directing the respondent No.4 to register

- information report against the private respondents.
- 10.2 That, this Hon'ble Court may kindly be pleased to call the entire records from the respondent authorities for its kind perusal.
- 10.3 Any other relief, which the Hon'ble Court deems fit and proper under the facts and circumstances, may also be provided to the petitioner.
2. 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.5 to 15.
3. 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.
4. 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 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.
5. 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.
6. 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

parul

¹ (2008) 2 SCC 409
² (2016) 6 SCC 277
³ (2020) 16 SCC 728