

NAFR

HIGH COURT OF CHHATTISGARH, BILASPUR

WPCR No. 602 of 2021

- Ram Pyari W/o Surajan Ram Kujur Aged About 62 Years R/o Madneshwar, Police Station And Tahsil Ramanujnagar, District Surajpur Chhattisgarh., District : Surajpur, Chhattisgarh

---- Petitioner

Versus

1. State Of Chhattisgarh Through Inspector General Of Police, Ambikapur, District Surguja Chhattisgarh.
2. Superintend Of Police Baikunthpur District Koriya Chhattisgarh.
3. S.H.O. Baikunthpur District Koriya Chhattisgarh.

---- Respondents

For Petitioner : Mr. Sanjay Pathak, Advocate.

For State/Res. No. 1 to 3: Mr. G.I. Sharan, Govt. Advocate.

Hon'ble Shri Justice Narendra Kumar Vyas

Order On Board

20.09.2021

1. The petitioner has filed this writ petition under Article 226 of the Constitution of India with following prayers:-
 - i) That, respondents may kindly be directed to register FIR against Rajesh Harijan, Urmila and Basant Toppo on the basis of complaint of the petitioner.
 - ii) That, this Hon'ble Court may kindly direct respondent authorities to conduct fair and proper investigation
 - iii) That, any other relief which this Hon'ble Court deems fit and proper in the interest of justice also costs of the petition.
2. From bare perusal of reliefs sought, it is quite clear that the petitioner wants that on the basis of complaint, FIR be registered against Rajesh Harijan, Urmila and Basant Toppo.
3. The Hon'ble Supreme Court in case of **Sakiri Vasu Vs. State of**

Uttar Pradesh & others¹, 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 Sections 200 of the Cr.P.C. or Section 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

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