

NAFR

HIGH COURT OF CHHATTISGARH, BILASPUR

Writ Petition (Cr.) No. 588 of 2021

- Avinash Kumar Tiwari, S/o Shri Ram Dulare Tiwari, aged about-21 years, R/o village- Ragda, Tehsil & District- Surajpur (C.G.).

---- Petitioner

Versus

1. State of Chhattisgarh, Through Station House Officer, Police Station- Vishrampur, District- Surajpur (C.G.).
2. Superintendent of Police Surajpur, District- Surajpur (C.G.).
3. Rohit Rajwade, S/o. Shri Rambilas Rajwade, Aged about 25 years, R/o. Badkapara Surajpur, Tehsil & P.S.- Surajpur, District- Surajpur (C.G.).

---- Respondents

For Petitioner : Mr. Surfaraj Khan, Advocate

For State/Respondents No. 1 & 2 : Mr. Gurudev I. Sharan, Govt. Advocate.

Hon'ble Shri Justice Narendra Kumar Vyas

Order On Board

15.09.2021

(1) The petitioner has filed the present petition under Article 226 of the Constitution of India assailing the inaction of the respondent Authorities who is not deciding the representation (Annexure P/1) before the Superintendent of Police, Surajpur.

(2) Learned counsel for the petitioner would submit that the motorcycle bearing registration No. CG 15DU/5306, was involved in the accident on 04.07.2021, therefore, a case has been registered and in that case, the police has investigated the matter and offence has been registered against the petitioner though the respondent No. 3 was the pillion rider but according to the petitioner he was not involved in the accident and he has wrongly been implicated in the crime in question. The petitioner has made a complaint on 28.08.2021 before the Superintendent of Police, Surajpur but no action has

been taken therefore he has filed the present petition to issue direction to respondent No. 2 to take action and to decide the said complaint/application made by the petitioner.

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

“10.1 That, this Hon'ble Court may kindly be pleased to issue a writ (s), order (s), direction (s) by directing the respondent authorities, to decide the application/complaint (Annexure P-1) made by the petitioner, within time frame, in the interest of justice.

10.2 That, this Hon'ble Court may kindly be pleased to call for the records of the matter.

10.3 Any other relief (s) in form of order or orders and/or direction (s) as your lordships may deem fit and proper.”

(4) The relief sought by the petitioner can not be considered by this Court at this juncture because it is a matter of evidence that whether respondent No. 3 was the pillion rider or not, it has to be decided by the concerned Magistrate or learned Motor Accident Claims Tribunal in the eventuality of filing of the claim petition filed by the respondent No. 3. Therefore no case is made out for interference by Court by exercising its power 226 of the Constitution of India.

(5) Accordingly, the writ petition (cr.), being devoid of substance, is liable to be and is hereby dismissed.

**Sd/-
(Narendra Kumar Vyas)
Judge**