

NAFR

HIGH COURT OF CHHATTISGARH, BILASPUR

WPCR No. 431 of 2018

Satyendra Pathak, S/o Shri Upendra Pathak, Aged About 43 Years, R/o Village Sarnatoli, Ward No. 4, Sanna Road, Tahsil & District- Jashpur (C.G.) Pin Code – 496331.

---- Petitioner

Versus

1. State of Chhattisgarh, Through: the Secretary Department of Home Ministry, Mantralaya, Mahanadi Bhawan Capital Complex, Naya Raipur, Post Office Rakhi, District- Raipur (C.G.)
2. The Director General of Police, Police Headquarter Chhattisgarh, Raipur, District- Raipur (C.G.)
3. The Inspector General of Police, Bilaspur Range, District- Bilaspur (C.G.)
4. The Superintendant of Police, Bilaspur, District- Bilaspur (C.G.)
5. The Station House Officer, Police Station Sarkanda, Bilaspur, District- Bilaspur (C.G.)
6. Chitrasen Singh Thakur, S/o B.S. Thakur, R/o Rajkishore Nagar, Surajmukhi 32, Police Station Sarkanda, District- Bilaspur (C.G.)

---- Respondents

For Petitioner : Mr. V.K. Pandey, Advocate.

For State : Mr. Sudeep Verma, Dy. Govt. Advocate.

Hon'ble Shri Justice Narendra Kumar Vyas

Order On Board

05.07.2021

1. The petitioner has filed this writ petition under Article 226 of the Constitution of India for registration of FIR against respondent No. 6.
2. The brief facts as projected by the petitioner are that on 20.08.2008, respondent No. 6 after preparing forged revenue record, sold the land bearing Khasra No. 54/360 admeasuring area 1250 sq.ft. situated at Village- Lingiyadeeh, Patwari Halka No. 20/22, Revenue Circle- Bilaspur, District- Bilaspur to the petitioner through registered sale deed. The petitioner after registration of sale deed, requested respondent No. 6 for giving

copy of the sale deed and for mutation of the land in his name, respondent No. 6 denied for the same. The petitioner enquired from revenue record, then, it came to knowledge of the petitioner that the said land belonged to one Suresh Verma and respondent No. 6 has committed fraud with him by selling land of other person to the petitioner. The petitioner requested respondent No. 6 to return the money, but he has not returned the same. Thereafter, the petitioner made a complaint to Superintendent of Police, Jashpur on 17.11.2017, where the petitioner is permanently residing. As the incident took place within jurisdiction of Police Station- Sarkanda, District- Bilaspur, as such, the Superintendent of Police, Jashpur has not taken any action against respondent No. 6 and copy of the complaint was duly forwarded by Superintendent of Police, Jashpur to Superintendent of Police, Bilaspur/respondent No. 4 for investigation with respect to the offence committed by respondent No. 6.

3. From perusal of reliefs sought, it is quite clear that the petitioner wants that on the basis of complaint, FIR should be registered against respondent No. 6- Chitrasen Singh Thakur for committing offence under Sections 420, 467, 468, 471 of I.P.C.
4. 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.
5. 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 Section 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.

6. 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.
7. 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**