

NAFR

HIGH COURT OF CHHATTISGARH, BILASPUR

WPCR No. 613 of 2021

- Smt. Rameshwari Ware Wife Of Mahettar Ware Aged About 50 Years Resident Of Village - Jhariyapara, Sarangarh, Police Station And Tahsil - Sarangarh, District - Raigarh (Chhattisgarh), District : Raigarh, Chhattisgarh

---- Petitioner

Versus

1. State Of Chhattisgarh Through The Secretary, Home (Police) Department, Mahanadi Bhawan, Mantralaya, Nawa Raipur (Chhattisgarh), District : Raipur, Chhattisgarh
2. The Superintendent Of Police District - Raigarh (Chhattisgarh)
3. The Station House Officer Police Station, Sarangarh, District - Raigarh (Chhattisgarh)
4. Amrit Ekka Posted As Branch Manager, State Bank Of India, Branch Sarangarh, District - Raigarh (Chhattisgarh)
5. Vishnu Murmur Posted As Cashier, State Bank Of India, Branch Sarangarh, District - Raigarh (Chhattisgarh)
6. Toshen Patel Posted As Clerk, State Bank Of India, Branch Sarangarh, District - Raigarh (Chhattisgarh)

---- Respondents

For Petitioner : Mr. Ramakant Pandey, Advocate.

For State : Mr. G.I. Sharan, Government Advocate.

Hon'ble Shri Justice Narendra Kumar Vyas

Order On Board

23.09.2021

1. The petitioner has filed this writ petition under Article 226 of the Constitution of India with the prayer that FIR be registered against respondents No. 4 to 6.
2. The brief facts as projected by the petitioner are that petitioner is holding a bank account in her name at SBI, Sarangarh. On 10.12.2020, she deposited Rs. 1000/- and Rs. 18,01,000/- by two separate deposit slips, but, only Rs. 1000/- was deposited and Rs. 18,01,000/- was not deposited. Therefore, on

04.06.2021, she made a complaint before the Chief Manager, SBI Zonal Office, Hoshangabad Road, Bhopal (M.P.). After knowledge of complaint, respondents No. 4 to 6 entered into her house on 23.06.2021, used filthy words and threatened for life, if she does not withdraw the complaint. She made complaint before the police on 23.06.2021, but no action has been taken.

3. From perusal of aforesaid factual matrix, it is quite clear that the petitioner wants that on the basis of complaint, FIR should be registered against respondents No.4 to 6.
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 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. 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.
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

¹ (2008) 2 SCC 409

² (2016) 6 SCC 277

³ (2020) 16 SCC 728

the aforesaid liberty granted in favour of the petitioner.

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

Deshmukh