

NAFR**HIGH COURT OF CHHATTISGARH, BILASPUR****WA No. 295 of 2021**

[Arising out of order dated 08.9.2021 passed by the learned Single Judge in WPCR No.295 of 2015]

- Anoop Waswani S/o Late Amar Waswani Aged About 35 Years R/o Inside Bhakta Kanwar Ram Gate, Sindhi Colony, Jarhabhata, Bilaspur, Police Station Civil Lines, Bilaspur, Tahsil And District Bilaspur Chhattisgarh. Mo. No. 7869903125

---- Appellant**Versus**

1. State Of Chhattisgarh Through The Secretary, Department Of Home, Mantralaya Bhawan, New Raipur Chhattisgarh.
2. Superintendent Of Police District Bilaspur Chhattisgarh.
3. The Station House Officer Police Station Civil Lines, Bilaspur Chhattisgarh.
4. Shri Q.A. Khan Sub Divisional Magistrate, Bilaspur Chhattisgarh.
5. Shri Narendra Banjara Additional Tahsildar, Bilaspur Chhattisgarh.
6. Smt. Sandhya Namdev Patwari, Patwari Halka No. 21, R.I. Circle Bilaspur, Tahsil Bilaspur, District Bilaspur Chhattisgarh.
7. Ratnesh Jaiswal, aged about 45 years S/o Late Ramesh Kumar Jaiswal R/o A -32, Vasundhra Nagar, Ring Road No. 2, Bilaspur, District Bilaspur Chhattisgarh.

---- Respondents

For Appellant :- Mr. Ratnesh Kumar Agrawal, Adv
For Respondent-State :- Mr. Vikram Sharma, Dy.G.A.

Hon'ble Shri Prashant Kumar Mishra, Ag.CJ
Hon'ble Smt. Rajani Dubey, J
Judgment On Board

By

Prashant Kumar Mishra, Ag.CJ

23/09/2021

1. In the writ petition preferred before the learned Single Judge, appellant (henceforth 'the petitioner') sought for a direction to the Station House Officer (SHO), P.S. Civil Lines, Bilaspur to register FIR against the private respondents; fix the liability of the erring officers responsible for the illegal and inhuman act of demolishing the shop of the petitioner as also to grant suitable compensation to the petitioner.
2. Referring to the law laid down by the Hon'ble Supreme Court in the matters of **Sakiri Vasu Vs. State of Uttar Pradesh & Others** {(2008) 2 SCC 409}, **Sudhir Bhaskarrao Tambe Vs Hemant Yashwant Dhage & Others** {(2016) 6 SCC 277} and **M. Subramaniam & Another Vs S. Janaki & Another** {(2020) 16 SCC 728}, learned Single Judge has disposed of the writ petition with liberty to the petitioner to file complaint under Section 200 or

156 (3) of the Cr.P.C. before the jurisdiction of Judicial Magistrate First Class.

3. Having heard learned counsel for the petitioner for sometime, we are of the considered view that in view of the settled legal position, the learned Single Judge has rightly relegated the petitioner to avail remedy under the Cr.P.C.
4. There is no substance in this writ appeal, therefore, it is disposed of, however, depending upon the outcome of the criminal complaint or application under Section 200 or 156 (3) of the Cr.P.C., the petitioner would be at liberty to avail other reliefs claimed under paragraphs 10.2 and 10.3 of the writ petition.

Sd/-
(Prashant Kumar Mishra)
Acting Chief Justice

Sd/-
(Rajani Dubey)
Judge

Ayushi