

NAFR

HIGH COURT OF CHHATTISGARH, BILASPUR

WPCR No. 614 of 2021

- Naveenchandra Rajgond S/o Late Kalyan Rajgond Aged About 85 Years R/o Ward No. 31, In Front Of Jutmil Gali, Raigarh, Tahsil And District Raigarh (C.G.), District : Raigarh, Chhattisgarh

---- Petitioner

Versus

1. State of Chhattisgarh Through- Secretary Department Of Home Affairs (Police) Mahanadi Bhawan, Naya Raipur, District- Raipur (C.G.), District : Raipur, Chhattisgarh
2. Superintendent Of Police Raigarh, District- Raigarh (C.G.), District : Raigarh, Chhattisgarh
3. Station House Officer Police Station Jutmil Raigarh, District Raigarh (C.G.), District : Raigarh, Chhattisgarh

---- Respondents

For Petitioner : Mr. Tapan Kumar Chandra, Advocate.

For State : Mr. Aditya Tiwari, Panel Lawyer

Hon'ble Shri Justice Narendra Kumar Vyas

Order on Board

23-09-2021

1. The petitioner has filed the present petition under Article 226 of the Constitution of India against illegality and irregularity act committed by the respondent authorities i.e., respondents No. 1 to 3 for not registering the FIR against the responsible persons.
2. The brief facts, as projected by the petitioner, are that Noorbano wife of Amanullah, daughter of Shekh Kalu by producing the forged document and use it as original in the court of Najul Officer, Raigarh. In this regard, written complaint has been filed before Thana Incharge, Police ? Stetion Jutmill, Raifgarh but no offence has been registered. Thereafter, the petiioner has filed a complaint before Superintendent of Police, Raigarh, District Raigarh , IG,

Bilaspur Range, Bilaspur and DGP, but they have not registered any FIR against them.

3. The petitioner has filed the present writ petition before this Court and prayed for following reliefs:-

“10.1 That this Hon'ble Court may kindly be pleased to direct the respondents for registering FIR on the complaint of the petitioner; .

- 10.2 That this Hon'ble Court may kindly be pleased to direct the respondent authorities for complying the direction passed in the case of Lalita Kumar vs Govt of UP and others, reported in SCC (2014) 2 Page 1.

- 10.3 That the Honorable Court may kindly be pleased to direct the respondent to consider the petitioner application/representations as per law.

- 10.4 Any other relief/order may also be granted that may be deemed fit and just in the facts and circumstances of the case.

4. From perusal of reliefs sought, it is quite clear that the petitioner wants that on the basis of complaint, FIR should be registered against the responsible persons.

5. From perusal of relief sought, it is quite clear that the petitioner through his complaint dated 4-6-2020 wants to register the offence against the responsible persons, for which the petitioner has remedy of filing a complaint before the concerned Judicial Magistrate First Class under Section 200 of the Cr.P.C.

6. 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 and M. Subramaniam & another Vs. S. Janaki & another**².

¹ (2008) 2 SCC 409

² (2020) 16 SCC 728

7. Considering the facts and materials on record and in the light of the law laid down by Hon'ble the Supreme Court in the above cited judgments, the present writ petition filed under Article 226 of the Constitution of India, is disposed of with liberty to the petitioner to file a 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 shall follow the procedure prescribed under the provisions of the Cr.P.C.
8. 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.
9. In view of the above, the instant writ petition is allowed with liberty granted in favour of the petitioner to file complaint under Section 200 of the Cr.P.C.

Sd/-
(Narendra Kumar Vyas)
Judge

Raju