

NAFR

HIGH COURT OF CHHATTISGARH, BILASPUR

WPCR No. 647 of 2021

Koushilya Singh Ureti, D/o Late Ran Sai, Aged About 27 Years, R/o Village- Kaskela, Post Karwa, Police Station- Jai Nagar, District- Surajpur (C.G.)
----- **Petitioner**

Versus

1. State of Chhattisgarh, Through: the Secretary, Department of Home, Mahanadi Bhawan, Mantralaya, Atal Nagar, Nawa Raipur District- Raipur (C.G.)
2. Superintendent of Police Surajpur, District- Surajpur (C.G.)
3. Station House Officer, Police Station Jai Nagar, Bishrampur, District- Surajpur (C.G.)
4. Manbodh Ram, S/o Dhan Sai, R/o Village Kaskela, Post Karwa, Police Station- Jai Nagar, District- Surajpur (C.G.)
5. General Manager, South Eastern Coalfield Limited Bishrampur, District- Surajpur (C.G.)
----- **Respondents**

For Petitioner : Mr. D.K. Vishwakarma, Advocate.

For State/res. No. 1 to 3 : Mr. Uddhav Sharma, Govt. Advocate.

Hon'ble Shri Justice Narendra Kumar Vyas

Order On Board

06.10.2021

1. The brief facts, as projected by the petitioner, are that some villagers played fraud representing himself to be grand son of late Ran Sai Gond and on the basis of forged documents, he obtained service of SECL at Bishrampur, though petitioner is daughter of Late Ran Sai and on the basis of information obtained from RTI, she came to know that the respondent No. 4 is in service against her ancestral property as land displaced person, thereafter, she filed complaint on 05.07.2021 before respondent No. 2 to register FIR against respondent No. 4 for playing fraud in order to get service in SECR Bishrampur and on 24.08.2021, she made complaint before respondent No. 3, but no action has been taken against respondent No. 4 on her complaints.
2. On the above factual matixt, the petitioner has filed this writ petition under Article 226 of the Constitution of India for following relief:-

10.1. That, this Hon'ble Court may kindly be pleased to direct the police authorities to register the crime

against the respondent No. 4 or to file criminal complaint before the concerned Magistrate under Section 156(3) of CRPC and also directed the concerned Magistrate to take the cognizance after directing the respondent No. 3 to make detailed enquiry regarding the caste and also direct the respondent No. 5 to take departmental action against the respondent No. 4 for dismissal in service.”

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. 4- Manbodh Ram.
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 or 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 the aforesaid liberty granted in favour of the petitioner. Learned trial Court is directed to expedite the proceeding and dispose of the case as early as possible.

Sd/-
(Narendra Kumar Vyas)
Judge

Arun

¹ (2008) 2 SCC 409
² (2016) 6 SCC 277
³ (2020) 16 SCC 728