

**NAFR**

**HIGH COURT OF CHHATTISGARH, BILASPUR**

**WPCR No. 643 of 2020**

Ravi Agrawal, S/o Shri Ashok Kumar Agrawal, Aged About 43 Years,  
R/o Korba Road, Post Sakti, District- Janjgir- Champa (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. Director General of Police, Raipur, District- Raipur (C.G.)
3. Inspector General of Police, Bilaspur Range, Bilaspur (C.G.)
4. Superintendent of Police, Janjgir- Champa, District- Janjgir- Champa (C.G.)
5. Station House Officer, Police Station- Sakti, District- Janjgir- Champa (C.G.)
6. Station House Officer, Police Station- Janjgir, District- Janjgir- Champa (C.G.)
7. Rajesh Agrawal, Managing Director, Insecticides (India) Limited, Mo. 9810089093.
8. Harichandra Agrawal, Chairman, Insecticides (India) Limited.
9. Nikunj Agrawal, Director, Insecticides (India) Limited.
10. Navin Shah, Director, Insecticides (India) Limited.
11. Vinod Kumar Mittal, Director, Insecticides (India) Limited.
12. Jayaraman Swaminathan, Director, Insecticides (India) Limited.
13. Smt. Praveen Gupta, Director, Insecticides (India) Limited.
14. Sanjay Singh, General Manager Marketing Development, Insecticides (India) Limited.
15. M.K. Singhal, Vice President, Insecticides (India) Limited.
16. Arun Kohli, Vice President, International Sales, Insecticides (India) Limited.
17. P.C. Pabbi, Senior Vice President, Insecticides (India) Limited.
18. Sanjay Vats, Vice President, Insecticides (India) Limited.
19. Akhilesh Kumar Singh Marketing Development Manager, Insecticides (India) Limited, 9630096565.

Respondent no. 1 to 19 working at 401/402, Lusa Tower, Azadpur Commercial Complex, Delhi-110033, Telefax 91-11-27679700-04.

Website: <http://www.insecticidesindia.com/>

20. R.S. Rathore, Zonal Manager, Insecticides (India) Limited, R/o MIG 31, Phase-1, Sagar Deep Enclave, Uslapur Crossing,

District- Bilaspur (C.G.)

21. Ganga Sagar Panda, Director, District- Janjgir-Champa Insecticides (India) Limited, R/o House No. 116, Bhikampura Budbuda, Sarangarh, District- Raigarh (C.G.)

---- Respondents

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For Petitioner : Mr. Dhiraj Kumar Wankhede, Advocate.  
For State/ Res. 1 to 6 : Mr. Gurudev I. Sharan, Govt. Advocate.

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**Hon'ble Shri Justice Narendra Kumar Vyas**

**Order On Board**

**30.07.2021**

1. The petitioner has filed this writ petition under Article 226 of the Constitution of India for registration of FIR against respondent No. 7 to 21 on the basis of complaint made by the petitioner.
2. The brief facts as projected by the petitioner are that the petitioner is proprietor of firm namely Ashoka Traders, which was registered in the year 1997. The petitioner joined as partner as per the partnership deed executed on 01.04.2018. All the private respondents are concerned authorities of the accused company namely Insecticides (India) Limited, who are manufacturer of pesticides. The petitioner's firm is also registered with Government of India and a license has also been issued in favour of the petitioner's firm for sale of pesticides of various companies.
3. Respondent No. 7 to 21 are the authorities of the accused company. The petitioner's firm and the accused company used to maintain their ledger accounts and used to exchange their ledger accounts and maintain the same for every financial year. As per ledger accounts from 1<sup>st</sup> April, 2020 to 30<sup>th</sup> June, 2020, there was due of Rs. 60,155/- on the accused company. On 23.05.2020 and 25.05.2020, the petitioner's firm received a mail that some goods have been demanded by the petitioner's firm as per the bill details, which has not been received till date. The

petitioner was shocked and surprised when he received calls from officers of the accused company demanding cheque/cash against tax invoices dated 23.05.2020 & 25.05.2020 alleging that on demand of the petitioner's firm, goods were billed in the name of Ashoka Traders and also shipped in the name of Ashoka Traders. The petitioner informed that till date he has not received any goods, then the Vice-chairman and the Chairman assured him that they will crosscheck and let them know. After a day, the petitioner received call from office of Superintendent of Police, Janjgir-Champa that some written complaint have been made against him and other business persons for non-payment of cheque/ cash towards invoices issued to the petitioner's firm.

4. On 30.06.2020, the petitioner reached to the office of Superintendent of Police, Janjgir-Champa, recorded his statement and MLC was also conducted. When it came to know that nothing was done by the petitioner, he was released after conducting proper MLC. But, after three days, offence under Sections 408, 409, 418 & 420 read with Section 120B of IPC was registered against the petitioner at Police Station- Janjgir-Champa (C.G.). Against the said FIR, the petitioner preferred Writ Petition (Cr.) No. 312/2020 before this Court and this Court vide order dated 18.08.2020 granted interim protection in favour of the petitioner. The accused company filed reply to the writ petition filed by the petitioner along with certain forged documents to mislead the Court. The petitioner after learning about the same and the acts of the accused company, enquired about the product 'Nuvan' and when it was found that the documents annexed by the accused company to misconceive and mislead the Court, the petitioner made a complaint on 12.10.2020 (Annexure P/1) before respondent No. 5- Station Officer, Sakti, but no action has been taken against the accused. Thereafter, he made a written complaint (Annexure P/4) under Section 154 (3) of the Cr.P.C. before Superintendent of Police, Janjgir-Champa. The petitioner has also made complaint

(Annexure P/5) before Director General of Police, Raipur, District- Raipur and Inspector General of Police, Bilaspur Range, but no action has been taken against the accused till date.

5. Learned counsel for the petitioner would submit that while submitting the appraisal form with the company, the petitioner's firm issued three security blank cheque and blank letter heads to the accused company. With criminal conspiracy and mala fide intention, the accused company prepared forged documents using that blank cheque and blank letter heads and placed the same before this Court with reply submitted by them in Writ Petition (Cr.) No. 312/2020 stating that production and manufacture of 'Nuvan' product is banned by Government of India, despite the said fact, the company suppressed the same before registration of FIR against the petitioner and other dealers and distributors. The petitioner received communication from bank that the three cheques have not been presented for the account belonging to the petitioner's firm. Later on the petitioner obtained information from the bank that above three cheques were issued long back in the month of May 2019 and some more cheque were issued to the petitioner's firm.
6. Learned counsel for the petitioner would further submit that he has followed the law provided under Cr.P.C. for registration of FIR against the accused, but no action has been taken against the accused till date. He would pray for grant of opportunity to challenge authenticity of the document i.e. letter dated 10.06.2020 written by the petitioner.
7. From perusal of reliefs sought, it is quite clear that the petitioner wants that on the basis of complaints made by the petitioner, FIR should be registered against respondent No. 7 to 21.
8. The Hon'ble Supreme Court in case of **Sakiri Vasu Vs. State of Uttar Pradesh & others**<sup>1</sup>, has examined the issue holding that the petitioner has remedy of filing of complaint before the

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<sup>1</sup> (2008) 2 SCC 409

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**<sup>2</sup> and **M. Subramaniam & another Vs. S. Janaki & another**<sup>3</sup>.

9. 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. 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.
10. 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.
11. In view of the above, the instant writ petition is disposed of with the aforesaid liberty granted in favour of the petitioner. The liberty is also reserved to the petitioner to raise objection before competent Court with regard to authenticity of the document i.e. letter dated 10.06.2020 written by the petitioner.

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

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<sup>2</sup> (2016) 6 SCC 277

<sup>3</sup> (2020) 16 SCC 728