

NAFR

HIGH COURT OF CHHATTISGARH, BILASPUR

WPCR No. 685 of 2020

Shri Shri Shri Sidhpith Maa Tripur Sundari Marimai Mandir Sewa Samiti, through its secretary Shri Nagappa Achari, S/o Shri Natesham Achari, aged about 59 years, Address- New Loco Colony, Bilaspur (C.G.)

---- Petitioner

Versus

1. State of Chhattisgarh, through District Collector, District- Bilaspur (C.G.)
2. Inspector General of Police, Bilaspur Range, District- Bilaspur (C.G.)
3. Superintendent of Police, District- Bilaspur (C.G.)
4. Station House Officer, Police Station- Sirgitti, District- Bilaspur (C.G.)
5. Divisional Railway Manager, South Eastern Central Railway Bilaspur (C.G.)
6. Hitesh Kumar Tiwari, R/o Loco Colony, Bilaspur (C.G.) Mo- 7049456789, 9770440627

---- Respondents

For Petitioner	:	Mr. Achyut Tiwari, Advocate.
For State/Res. No. 1 to 4	:	Mr. Devendra Pratap Singh, Dy. Advocate General.

Hon'ble Shri Justice Narendra Kumar Vyas

Order On Board

25.06.2021

1. The petitioner has filed this writ petition under Article 226 of the Constitution of India for registration of FIR against respondent No. 6 for committing offence under Sections 416, 417, 418, 419, 420, 460, 465, 467, 468, 469, 471 & 472 of I.P.C.
2. The brief facts as projected by the petitioner are that the petitioner is registered society, who is managing Marimai Mandir situated at New Loco Colony, Bilaspur (C.G.) since more than 100 years without any hindrance from anyone. Respondent No.

6, who himself fraudulently impersonates as Rashtriya Prabhari of Akhil Bharat Hindu Mahasabha Yuva Morcha and on that basis, started illegal collection of money from the residents of New Loco Colony including the members of petitioner society. Respondent No. 6 intimidated as well as beaten members of petitioner society. He fraudulently uses the address of the petitioner society for his own purpose. The petitioner has submitted complaints on 15.04.2016, 06.02.2017 & 31.03.2020 before respondent No. 2 to 4, but no action has been taken against respondent No. 6. As such, the petitioner has filed this writ petition praying for registration of FIR against respondent No. 6 for committing under Sections 416, 417, 418, 419, 420, 460, 465, 467, 468, 469, 471 & 472 of I.P.C.

3. From perusal of reliefs sought, it is quite clear that the petitioner wants that on the basis of complaints, FIR should be registered against respondent No. 6- Hitesh Kumar Tiwari.
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. before the court of Judicial Magistrate First Class having jurisdiction over the place of offence and in-turn Magistrate will

¹ (2008) 2 SCC 409

² (2016) 6 SCC 277

³ (2020) 16 SCC 728

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.

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

Arun