

NAFR

HIGH COURT OF CHHATTISGARH, BILASPUR
WPCR No. 679 of 2021

Meva Lal Rajak S/o Chowa Ram Rajak (Dhobi), Aged About 55 Years,
 R/o Village Devrikhurd, Police Station Torwa, District Bilaspur,
 Chhattisgarh.

---- **Petitioner**

Versus

1. State of Chhattisgarh Through The Secretary, Department of Home Affairs, Mahanadi Bhavan, Mantralaya, Atal Nagar, Nawa Raipur, District Raipur Chhattisgarh.
2. Superintendent of Police Bilaspur, District Bilaspur, Chhattisgarh.
3. Station House Officer Police Station Torwa, District Bilaspur, Chhattisgarh.
4. Rupesh Kumar Rajak, aged about 31 years, R/o Village Devrikhurd, In front of House of Panchu Netam, Bilaspur, P.S. Torwa, District Bilaspur, Chhattisgarh.

--- **Respondents**

For Petitioner	: Mr. Rajendra Patel, Advocate.
For State	: Mr. Uddhav Sharma, GA.

Hon'ble Shri Justice Parth Prateem Sahu
Order on Board

25/10/2021

Heard.

1. Learned counsel for petitioner submits that on 16.7.21 petitioner has lodged report to the concerned Police Station mentioning therein that his son ie respondent No.4 has assaulted and abused him in filthy language, but the Police has not taken any action. Thereafter on 10.10.21 at about 06:00 pm respondent No.4 and his relative armed with stick and club, entered into house of petitioner, assaulted and abused him and his family members in filthy language. Respondent No.4 threatened the petitioner to vacate the house as he is owner of accommodation in which they are residing. Respondent No.4 also threatened the petitioner to nominate him as his nominee in the officials record of Railway Department. It is further contended that petitioner has taken loan of Rs.9 lakhs which was taken by respondent No.4 and now petitioner has to re-pay said loan amount. Petitioner is a small employee working as "Peon" in Railway Department. As Police has not taken any action on complaint of petitioner. Respondent No.4 is threatening the petitioner time and again, also

abusing him and his family members in filthy language. Hence, a direction be issued to respondent No.3/ SHO to register crime against respondent No.4.

2. Learned State Counsel opposes the submissions made by learned counsel for petitioner and submits that petitioner is having alternative remedy by way of approaching the Court of Jurisdictional Magistrate and to file application under Section 156(3) of Cr.P.C and if further aggrieved than remedy to file a complaint case under Section 200 of Cr.P.C is available to him. Hence, writ petition is not maintainable.
3. Heard learned counsel for the parties.
4. Considering the entire facts and circumstances of the case, nature of dispute, relief sought for by petitioner, and the fact that alternative efficacious remedy of approaching the Court of Jurisdictional Magistrate by way filing an application under Section 156 (3) of Cr.P.C and thereafter to file complaint case under the Code of Criminal Procedure is available to petitioner, further the dictum of Hon'ble Supreme Court in cases of **Sakiri Vasu versus State of Uttar Pradesh & Ors¹**, **Sudhir Bhaskarrao Tambe versus Hemant Yashwant Dhage & Ors²** and **M. Subhramaniam & Anr versus S. Janaki & Anr³**, I do not find any merit in this writ petition.
5. Accordingly, writ petition stands dismissed. However, if petitioner approach the Court of Jurisdictional Magistrate by way of filing any appropriate application, learned Magistrate shall consider and decide the same strictly in accordance with law.

Sd/-
(**Parth Prateem Sahu**)
Judge

Jamal/-

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