

NAFR

HIGH COURT OF CHHATTISGARH, BILASPUR**WPCR No. 757 of 2021**

- Ramesh Chand Dubey S/o Late Shri Ramdular Dubey Aged About 62 Years R/o Mandi Gate Pandri Tarai P.S. Pandri Mowa District Raipur Chhattisgarh.

---- Petitioner**Versus**

1. State of Chhattisgarh Through Sho Police Station Pandri, Mowa District Raipur (Chhattisgarh).
2. Mohammad Khalid, S/o Abdul Bahud Faridi Aged About 45 Years R/o Near Koni Budhwari Bazar, Bilaspur Chhattisgarh.
3. Guddu Khan Alias Faksjama, S/o Abdul Aziz Faridi, Aged About 45 Years R/o Gali No. 1/4 Khursipar, Bhilai District Durg (Chhattisgarh).

---- Respondents

For Petitioner	:	Mr. Sandeep Shrivastava, Adv.
For State	:	Mr. Ayaz Naved, G.A.

Hon'ble Smt Justice Rajani Dubey**Order on Board****25.11.2021**

1. Heard.
2. The present petition has been filed by the petitioner being aggrieved by the impugned order dated 31.03.2021 passed by learned Additional Sessions Judge (Special Judge of Special Court for trial of CBI cases), Raipur (C.G.) in Criminal Revision No. 399/2018, whereby the learned Additional Session Judge has dismissed the revision application of the petitioner.
3. The petitioner made a written complaint dated 27.10.2015 before the SHO, Police Station Pandri, Mowa, Raipur as well as Superintenden of Police, Raipur against the Respondents No. 2 & 3 stating that they have cheated him obtaining Rs.

15,00,000/- (Fifteen Lac Rupees) from him in the name of clearing medical exam/PMT and getting admission in the medical college under management quota to his daughter but later on no admission has been done. On asking for refund of money respondents refunded only Rs. 3,50,000/- and broke contact with the petitioner. Learned counsel for the petitioner submitted that the FIR has not been registered yet by the concerned Police Authorities.

4. The petitioner has filed complaint under Section 156(3) Cr.P.C. before the concerned Judicial Magistrate but the learned Judicial Magistrate dismissed the complaint of petitioner vide order dated 09.07.2018. Against this dismissal order petitioner has filed a revision petition before learned Additional Sessions Judge (Special Judge of Special Court for trial of CBI cases), Raipur (C.G.) but the learned Additional Session Judge also dismissed the revision petition of petitioner by order dated 31.03.2021. Now, the petitioner has filed this petition under Article 226 of the Constitution of India and prays for a liberty to file complaint under Section 200 Cr.P.C.
5. Learned State counsel opposed the prayer made through this petition.
6. Heard counsel for the parties.
7. Considering the facts and materials available on record, this petition is disposed of with liberty to file complaint under Section 200 CrPC before the concerned Judicial Magistrate and learned Judicial Magistrate in-turn will follow the procedure prescribed under the provisions of the Cr.P.C. It is

made clear that this Court has not expressed any opinion on merits of the case whether the averments made in the petition discloses any criminal offence or not, it is for the concerning Magistrate to decide the case on merits of the case without being influenced by any of the observations made by this Court.

8. Accordingly, this petition is finally disposed of with the aforesaid liberty in favour of the petitioner.

Sd/-
(Rajani Dubey)
Judge

v/-