

NAFR

HIGH COURT OF CHHATTISGARH, BILASPUR

WPCR No. 23 of 2020

1. Padum Kumar Soni S/o Late Gokul Prasad Soni Aged About 53 Years R/o Sonarpara, Champa Police Station Champa District Janjgir Chhattisgarh.
2. Smt. Anjana Soni W/o Padum Kumar Soni Aged About 45 Years R/o Sonarpara, Champa Police Station Champa District Janjgir Champa Chhattisgarh.

---- Petitioners

Versus

1. State of Chhattisgarh Through The Secretary, Department Of Home, Mantralay Mahanadi Bhawan, New Raipur, District Raipur Chhattisgarh.
2. Superintendent of Police Janjgir Champa, District Janjgir Champa Chhattisgarh.
3. Station House Officer Police Station Champa, District Janjgir Champa Chhattisgarh.
4. Manjit Kumar Sarthi Labour Welfare Inspector (In The Office Of Labour Officer) Kera Road Janjgir, District Janjgir Champa Chhattisgarh.
5. Omkar Singh President Chhatrapati Nirmani Shramik Sangh Naharpar, Nahariya Bada Mandir Road Police Station Janjgir, District Janjgir Champa Chhattisgarh.
6. Shahnaj Parveen W/o Arshad Ali Aged About 40 Years R/o Modi Chowk, Shayam Khatu Mandir Ke Pass, Champa Police Station Champa District Janjgir Champa Chhattisgarh.

---- Respondents

For Petitioners	:	Mr. F. S. Khare, Advocate.
For State	:	Mr. Ashish Gupta, P. L.

Hon'ble Shri Justice Narendra Kumar Vyas

Order On Board

13.09.2021

1. The petitioners have 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 call for the entire records pertaining to the case of the petitioners.
 - 10.2 This Hon'ble Court may kindly be pleased to direct the respondents No.1 to 3 to initiate a criminal case against the respondents No.4 to 6 in accordance with law.
 - 10.3 That, this Hon'ble Court may kindly be pleased to grant any other relief, as it may deem fit.

2. From perusal of reliefs sought, it is quite clear that the petitioners want that on the basis of complaint, FIR should be registered against respondents No. 4 to 6.
3. 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.
4. 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 petitioners 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.
5. 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.
6. In view of the above, the instant writ petition is disposed of with the aforesaid liberty granted in favour of the petitioners.

Sd/-

(Narendra Kumar Vyas)
Judge

parul

¹ (2008) 2 SCC 409

² (2016) 6 SCC 277

³ (2020) 16 SCC 728