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HIGH COURT OF CHHATTISGARH, BILASPUR

(Arising out of order dated 7.11.2019 passed by learned Single Judge in WPC
No.3941/2019)

WA No. 38 of 2020

- Fariduddin @ Farid Khan S/o Late Qamruddin Aged About 30 Years R/o Rajiv Nagar, Ward No. 6, New Bus Stand, Katghora, District Korba Chhattisgarh. ----- **Appellant**

Versus

1. Union Of India Through The Secretary, Ministry Of Home Affairs, North Block, New Delhi 110001
2. The Director General Of Police, Director General Of Police, Chhattisgarh, Police Headquarters, Raipur Chhattisgarh-492001
3. Superintendent Of Police, Office Of The Superintendent Of Police, Korba Chhattisgarh
4. Chhattisgarh Human Rights Commission, Near DKS Bhawan, Shashtri Chowk- Motibagh Chowk Rd, Near DKS Bhawan, Chhattisgarh 492001,
5. Uday Kiran, Trainee IPS, Additional Superintendent Of Police, Korba Chhattisgarh ----- **Respondents**

For Appellant :- Dr. N.K. Shukla, Sr. Adv with Ms.
Abhyunnati Singh, Advocate

For Respondent :- Mr. Chandresh Shrivastava, Dy.A.G.

Proceedings through Video Conferencing

Hon'ble Shri Prashant Kumar Mishra, Ag.CJ
Hon'ble Smt Rajani Dubey, J
Judgment On Board

By**Prashant Kumar Mishra, Ag.CJ**

14/07/2021

1. The present intra Court appeal would call in question the legality and validity of the order passed by the learned Single Judge by which the appellant's (henceforth 'the petitioner') writ petition has been dismissed.
2. In the writ petition, the petitioner had prayed for a direction to respondent No.5 Uday Kiran to refrain from taking any coercive steps against the petitioner as also to direct respondents No.1 to 4 to take cognizance of the petitioner's complaint and to pay compensation to him, in case the enquiry declares the respondent No.5 to be guilty of unduly harassing the petitioner.
3. In the order passed by the learned Single Judge it is mentioned that the entire writ petition has been filed on apprehension of being prosecuted in some false case.
4. A perusal of the pleadings in the writ petition would make it clear that in para 8.12 of the writ petition there is a complaint of harassment by another Police officer namely; Pramod Singh and not by the respondent No.5 Uday Kiran. It is further averred that after the said incident the respondent No.5 called the petitioner and threatened him. It is not a case where the petitioner was detained by the Police or any force was used against him by any Police man.
5. In above view of the matter, the learned Single Judge has

rightly dismissed the writ petition on the ground that it is based on apprehension.

6. Having considered the entire fact situation of the case and the material available on record, we have not found any good ground to interfere with the order passed by the learned Single Judge.

7. As a sequel, the appeal being devoid of merit is liable to be and is hereby dismissed, leaving the parties to bear their own cost(s).

SD/-

(Prashant Kumar Mishra)
Acting Chief Justice

SD/-

(Rajani Dubey)
Judge

Gowri