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HIGH COURT OF CHHATTISGARH, BILASPUR**Proceeding through video conferencing****WA No. 268 of 2021****(Arising out of order dated 18-03-2021 passed in WPCR No. 202 of 2021
by the learned Single Judge)**

1. Sanjay Singh Rathore, S/o Rajeshwar Singh Rathore, Aged About 33 Years R/o A-14 Sheela Vihar, Rajkishore Nagar, Bilaspur, District Bilaspur Chhattisgarh., District : Bilaspur, Chhattisgarh

---- Appellant**Versus**

1. State of Chhattisgarh, Through The Secretary, Department of Home, Mahanadi Mantralaya, Naya Raipur, Atal Nagar, Post Office And Police Station Naya Raipur, Atal Nagar, District Raipur Chhattisgarh., District : Raipur, Chhattisgarh
2. Director General of Police, Police Headquarters, Chhattisgarh, Raipur Chhattisgarh., District : Raipur, Chhattisgarh
3. Inspector General of Police, Bilaspur Range, Bilaspur Chhattisgarh., District : Bilaspur, Chhattisgarh
4. Superintendent of Police, Bilaspur Chhattisgarh., District : Bilaspur, Chhattisgarh
5. Smt. Anupama Rathore, D/o Rudra Rathore, R/o Ward No. 17, Purana Chandaniyapara, Janjgir, District Janjgir - Champa Chhattisgarh., District : Janjgir-Champa, Chhattisgarh
6. Rudra Rathore, S/o Late Ram Ji Rathore, R/o Ward No. 17, Purana Chandaniyapara, Janjgir, District Janjgir - Champa Chhattisgarh., District : Janjgir-Champa, Chhattisgarh
7. Sachin Rathore, S/o Rudra Rathore, R/o Ward No. 17, Purana Chandaniyapara, Janjgir, District Janjgir - Champa Chhattisgarh., District : Janjgir-Champa, Chhattisgarh
8. Smt. Santoshi Rathore, W/o Rudra Rathore, R/o Ward No. 17, Purana Chandaniyapara, Janjgir, District Janjgir - Champa Chhattisgarh., District : Janjgir-Champa, Chhattisgarh
9. Smt. Upma Rathore, W/o Satyendra Rathore, D/o Rudra Rathore, R/o Village Yusekela, Kharsiya, District Raigarh Chhattisgarh., District : Raigarh, Chhattisgarh



10. Satyendra Rathore, S/o Harishankar Rathore, R/o Village Yusekela, Kharsiya, District Raigarh Chhattisgarh., District : Raigarh, Chhattisgarh

---- Respondents

For Appellant	-	Shri Rakesh Kumar Jha, Advocate.
For Respondents/State	-	Shri Arjit Tiwari, Panel Lawyer.

Hon'ble Shri Prashant Kumar Mishra, Ag. Chief Justice

Hon'ble Shri Naresh Kumar Chandravanshi, J.

Judgment on Board

By

Hon'ble Shri Prashant Kumar Mishra, Ag.Chief Justice.

10/09/2021

1. Heard.

2. Learned counsel for the petitioner would raise a very short submission by reading out paragraph 14 of the order passed by the learned Single Judge. He would submit that, if the petitioner's writ petition for a direction to register F.I.R. was held not maintainable on account of existence of remedy under Section 156 (3) or Section 200 of the Cr.P.C. and the petitioner has been relegated to avail the said remedy, the observation at paragraph 14 would work adverse to the petitioner's interest inasmuch as being influenced by the said observation, the Magistrate before whom the petitioner would approach invoking jurisdiction under Section 156 (3) or Section 200 of the Cr.P.C. may dismiss the matter on merit.

3. Having heard learned counsel for the petitioner for sometime, there appears substance in the submission. The observation at paragraph 14 of the impugned order is set aside. However, the writ petition preferred by the petitioner still stands disposed of



with liberty to the petitioner to avail the remedy under Section 156 (3) or Section 200 of the Cr.P.C. before the jurisdictional criminal Court.

4. Accordingly, the present writ appeal is disposed of with the above observations.

SD/-

(Prashant Kumar Mishra)
Acting Chief Justice

SD/-

(N.K. Chandravanshi)
Judge

Amardeep

