



MS
04/08/09

HIGH COURT OF CHHATTISGARH : BILASPUR

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Writ Petition No. 1207 of 2002

Petitioner Suraj Ram Ratre, son of Late Dukhu Ram Ratre, by caste Satnami, religion Hindu, by profession Govt. Service, Librarian, Govt. Badri Prasad Arts and Commerce College, Aarang, The. Aarang, Distt. Raipur C.G.

Versus

Respondents 1. State of Chhattisgarh, through Secretary, Home Deptt. D.K.Bhawan, Raipur.
2. Deputy Superintendent of Police, Special Police Station (Schedule Caste and Schedule Tribe), Raipur, C.G. Constituted under the provision of Atrocity Act.

WRIT PETITION UNDER ARTICLE 226/227 OF THE CONSTITUTION OF INDIA
(SB: Hon'ble Shri Satish K. Agnihotri J.)

Shri P. K. Tulsiyan, Advocate on behalf of Shri M.K.Bhaduri, Advocate for the petitioner.

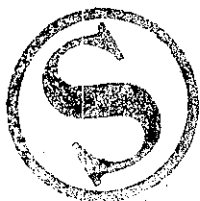
Shri Alok Bakshi, Govt. Advocate for the respondents.

ORDER (oral)

(Passed on this 31st day of July, 2009)

Heard.

1. Learned counsel appearing for the petitioner submits that the petitioner is Satnami by caste which is a scheduled caste. The petitioner had filed an F.I.R. (Annexure P/3) in the Special Police Station, Raipur on 30.1.2002, which was registered at Crime No. 4/2002 against Sagar Gupta, Sharad Gupta and Arun Kumar Persai. He further submits that the grievance of the petitioner is that the police has not properly investigated the matter and has not filed challan in the Court for trial.
2. Learned counsel appearing for the respondents submits that on the basis of the report of the petitioner the F.I.R. was registered at Crime No. 4/2002 for the offence punishable under Sections 294, 506-B and 323 of the I.P.C. and under Section 3(1)(10) of the Scheduled Caste and Scheduled Tribe (Prevention of Atrocities), Act, 1989. The matter was investigated by the Deputy Superintendent of Police (Rural), Raipur. During the investigation it was found that before the incident, as reported by the petitioner, Shri A.K.Parsai, Principal, Govt. College, Arang, had lodged a report in the police against the petitioner. On that basis Crime No. 237/2001 was registered against the petitioner for the offence under Sections 294 and 506-B of the I.P.C. wherein after investigation charge sheet was filed and the



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matter was at the trial stage. In retaliation, the petitioner has filed a false and fabricated report. After thorough investigation the final report was filed.

3. This Court in Writ Petition (C) No. 910/2009 (Saiyad Sabbir Ali Vs. Regional Transport Authority & others), decided on 12.2.2009, observed as under :

"4. If the petitioner is aggrieved by the inaction on the part of the Police or he is not satisfied with the action taken by the Police, he can avail the remedy of filing a criminal complaint in the Court of Judicial Magistrate. Learned counsel appearing for the petitioner fairly admits that the petitioner has not availed the remedy available under the provisions of Sections 190 and 200 of the Cr.P.C. Since the petitioner has not availed the statutory remedy available under the provisions of Sections 190 and 200 of the Cr.P.C., it is not expedient to entertain this petition at this stage."

4. Hon'ble Supreme Court in **Sakiri Vasu Vs. State of U.P. & others**¹, observed that "we often find that when someone has a grievance that his FIR has not been registered at the police station and/or a proper investigation is not being done by the police, he rushes to the High Court to file a writ petition or a petition under Section 482, Cr.P.C. We are of the opinion that the High Court should not encourage this practice and should ordinarily refuse to interfere in such matters, and relegate the petitioner to his alternative remedy.
5. The Supreme Court in the matter of **Aleque Padamsee and others Vs. Union of India and others**² held that 'If any person is aggrieved by the inaction of the police officials in registering the FIR, the modalities contained in Section 190 read with Section 200 of the Code are to be adopted and observed.' (Also see **Sakiri Vasu Vs. State of U.P. & others**³).
6. In view of the above, the petition is disposed of reserving liberty to the petitioner to make an application before the Court/Authority concerned for doing the needful, in the light of the judgment in **Sakri Vasu** (supra), if so advised.

Sd/-
Satish K. Agnihotri
Judge

¹ (2008) 2 SCC 409

² { (2007) 6 SCC 171 }

³ (2008) 2 SCC 409