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IN THE HIGH COURT OF CHHATTISGARH AT BILASPUR (C.G.)

W.P. 2177 /2001

PETITIONER :

✓ Hari Sharan Dwivedi s/o Late Janki
Prasad aged about 38 years, Village
Seoni, P.S. and Tahsil Marwahi
Dist. Bilaspur (C.G.)

Vs.

RESPONDENTS :

1. ✓ State of Chhattisgarh
Through Collector, Bilaspur
2. Superintendent of Police,
District Bilaspur (C.G.)
3. Officer Incharge Police Station
Marwahi, Tah. Marwahi District
Bilaspur (C.G.)

P.R. No. 2154/01
Presented by Shri Ramesh Kumar
dated 9/12/01

WRIT PETITION UNDER ARTICLE 226/227 OF THE CONSTITUTION
OF INDIA FOR ISSUENCE OF WRIT/WRITS IN THE NATURE OF
CERTIORARY MANDAMUS PROHIBITION AND FOR OTHER WRIT/
WRITES DIRECTION/DIRECTIONS ORDER/ORDERS.



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HIGH COURT OF CHHATTISGARH AT BILASPUR

WRIT PETITION No. 2177 of 2001

PETITIONER : Hari Sharan Dwivedi.

VERSUS

RESPONDENTS : State of Chhattisgarh & Others.

WRIT PETITION UNDER ARTICLE 226/227 OF THE CONSTITUTION OF INDIA

SB: Hon'ble Shri Satish K. Agnihotri, J.

Present: Shri R.K.Sharma, Advocate for the petitioner.
Shri A.V.Shridhar, Panel Lawyer for the State/respondents.

ORDER (ORAL)

(Passed on 30th day of July, 2010)

1. Learned counsel for the petitioner submits that the respondent No. 3 is taking action against the petitioner and his family members to prosecute them in a false and fabricated case, which is alleged to have occurred at village Seoni, Police Station Marwahi. In the said case, one Ramesh Kumar Gupa has been made prosecution witness, who has sworn an affidavit (Annexure P/1) stating that no offence has ever been committed by the petitioner at village Seoni and he has falsely been made a prosecution witness. Shri Verma submits that since the wife of the petitioner had made a complaint against Ram Bai, Gayatri Bai, Munna Rajak and Santosh Gupta for the offences under section 452, 323, 294, 506 B, 34 of the Indian Penal Code, at Police Station Gourella, the petitioner and his family is being implicated in a false case by the respondent No. 3 on a complaint made by the aforesaid persons.
2. Against the action of the respondent No. 3, the petitioner made a representation before the respondent No. 2 and the respondent No. 1



(Annexure P/3) but nothing has been done till date and, as such, the petitioner and his family members are being harassed unnecessarily.

3. On the other hand, Shri Shridhar, learned Panel Lawyer appearing for the State/respondents submits that no case has been made out for granting the relief as sought for in this petition. He further submits that investigation has been complete and charge sheet has been filed in the criminal court and it is pending trial.
4. Heard learned counsel appearing for the parties, perused the pleadings and documents appended thereto.
5. On perusal of the petition, it appears that the pleadings and relief sought for in this petition are vague as the petitioner has not pleaded as to what offence has been registered against him. Further, the relief sought for by the petitioner to the effect that respondents may be restrained from taking any action against the petitioner, cannot be granted as the challan has already been filed and the matter is pending trial before the concerned Magistrate. If the petitioner has any grievance, he may very well approach the Trial Court wherein, he shall have proper opportunity to examine and cross examine the witnesses and to rebut the allegations, if any leveled against him. Thus, at this stage, this Court is not justified in interfering with the proceeding pending before the trial court.
6. In view of the above, the writ petition is dismissed as not maintainable at the motion stage itself, with no order as to costs.

Sd/-
Satish K. Agnihotri
Judge