CGHC010408412026 2026:CGHC:44578-DB

NAFR

HIGH COURT OF CHHATTISGARH AT BILASPUR

WPCR No. 594 of 2026

1 - Uday Choudhary (In Person) S/o Rampati Aged About 40 Years R/o Ward No. 11, Shanti Nagar, Dipka, Tehsil Katghora, District - Korba (Chhattisgarh) – 495452.

2 - Ankit Singh (In Person) S/o Mahendra Singh Aged About 30 Years R/o Gevra Project, Police Station Dipka, District Korba (C.G.), Mo. No. 9340079572.

ABHIGYA SAXENA Digitally signed by ABHIGYA SAXENA

... Petitioner(s)

versus

1 - State Of Chhattisgarh Through - The Principal Secretary, Department Of Home, Mantralaya, Mahanadi Bhawan, Atal Nagar Nava Raipur, District Raipur (C.G.).

2 - The Principal Secretary Department Of Tribal Welfare, Block-D, Ground Floor, Indrawati Bhawan, Atal Nagar Nava Raipur, District Raipur (C.G.)

3 - Director General Of Police Police Head Quarter, Atal Nagar, Nava Raipur, District Raipur (C.G.).

4 - The Superintendent Of Police Korba, District Korba (C.G.).

5 - Station House Officer Police Station Dipka, District Korba (C.G.).

6 - Station House Officer Police Station A.J.A.K., Korba, District Korba (C.G.).

... Respondent(s)

For Petitioner(s)	:	Mr. Uday Choudhary and Mr. Ankit Singh, petitioner-in-persons.
For State	:	Mr. Ashish Shukla, Dy. A. G.

(Division Bench)

(Hon'ble Shri Justice Narendra Kumar Vyas,

Hon'ble Shri Justice Sudhir Kumar)

Order on Board

15.10.2026

1. The petitioner-in-persons have filed the present petition seeking a declaration that the detention of Petitioner No.1 in connection with Crime No. 24/2018 was illegal, *mala fide*, and amounted to malicious prosecution. The petitioners further seek compensation for malicious prosecution and a direction to the authorities concerned to register an FIR under the SC/ST Act and for the offence of attempt to murder against the complainants for allegedly lodging false cases, in terms of Sections 217 and 248(2) of the Bharatiya Nyaya Sanhita, 2023. The petitioner-in-persons further seek a direction to the respondent authorities to register an FIR by Petitioner No. 2 and an old tribal man, namely, Kanti Kumar Pradhan, in respect of the alleged violations

2. Learned counsel for the State submits that there is an alternative remedy available under the law for petitioners herein.

3. The petitioners-in-person have also acknowledged the availability of alternative remedies under the law.

4. In view of the foregoing, this Court is of the considered opinion that the petitioners have alternative remedy available to them

under the law, including recourse to the jurisdiction of the competent Magistrate under Section 175(3) of the Bharatiya Nagarik Suraksha Sanhita, 2023, for an order directing investigation, and under Section 223 of BNSS, in respect of examination of complainant by a Magistrate.

5. Accordingly, the petition is disposed of, reserving liberty in favour of the petitioners to avail the remedies available to them under the aforesaid provisions, in accordance with law.

6. It is made clear that this Court has not expressed any opinion on the merits of the case.

Sd/-
(Narendra Kumar Vyas)
Judge

Sd/-
(Sudhir Kumar)
Judge

Saxena