



2026:CGHC:11786-DB

NAFR

HIGH COURT OF CHHATTISGARH AT BILASPUR**WPCR No. 137 of 2026**

Sonam Devi Thadwani W/o Rajkumar Thadwani Aged About 57 Years
R/o Banstaal, Tehsil - Raipur, District- Raipur (C.G.)

... Petitioner(s)**versus**

1 - State Of Chhattisgarh Through Station House Officer, P.S. New Rajendra Nagar, Raipur District- Raipur (C.G.)

2 - Superintendent Of Police, Raipur District- Raipur (C.G.)

3 - Barkha Rani Masih W/o Shri Shailesh Masih Aged About 43 Years
R/o Amlidih P.S. New Rajendra Nagar, Raipur District- Raipur (C.G.)

4 - Badal Kumar Dani S/o Shri Manohar Prakash Dani Aged About 47
Years R/o Amlidih, P.S. New Rajendra Nagar, Raipur District- Raipur
(C.G.)

5 - O.P. Soni (Revenue Inspector) R/o Amlidih P.S. New Rajendra
Nagar, Raipur District- Raipur (C.G.)

... Respondent(s)

For Petitioner(s) : Mr. Manoj Kumar Yadav, Advocate.

For Respondent(s) : Mr. S.S. Baghel, Government Advocate.

Hon'ble Shri Ramesh Sinha, Chief Justice**Hon'ble Shri Ravindra Kumar Agrawal, Judge****Judgment on Board**



Per Ramesh Sinha, Chief Justice

12.03.2026

1. Heard Mr. Manoj Kumar Yadav, learned counsel for the petitioner. Also heard Mr. S.S. Baghel, learned Government Advocate, appearing for the respondent Nos.1 & 2.

2. The present writ petition has been filed by the petitioner seeking following relief(s):

“a) Issue a writ in the nature of Mandamus or any other appropriate writ, order or direction directing Respondent No. 1 (SHO, Police Station New Rajendra Nagar, Raipur) and/or Respondent No. 2 (Superintendent of Police, District Raipur) to immediately register an FIR against the Private Respondents (Respondents No. 3 to 5) for cognizable offences under Sections 331, 324, 223, 336, 340, 318(4), 61(2) and 3(5) of the Bharatiya Nyaya Sanhita, 2023, and other applicable provisions, on the basis of the complaints filed by the Petitioner.

b) The Hon'ble Court may kindly be pleased to grant any other relief as the Hon'ble Court may be deemed fit and proper in the facts and circumstances of the case.”

3. Brief facts of the case are that the petitioner, Sonam Devi Thadwani, aged about 57 years, resident of Baanstal, Raipur, District Raipur (C.G.), is the lawful owner and was in actual physical possession of land bearing Khasra No. 150/14, situated at Mouza Amlidih, P.H. No. 00069, R.N.M. Raipur-11 Tikrapara, Tehsil and District Raipur, which she purchased through a registered sale deed dated 20.10.2008 from



Kishan Lal Sahu. After purchase of the said land, the Petitioner applied for mutation through the Bhuiya Karyakram of the Government of Chhattisgarh and pursuant to proceedings before the Tehsildar, Raipur, the land was duly recorded in her name, thereby confirming her ownership and possession. The petitioner thereafter constructed a pucca boundary wall (chaar-deewari) with an iron gate around the said property and remained in peaceful and continuous possession of the land. The private respondents, respondent No.3, namely, Barkha Rani Masih and respondent No.4 Badal Kumar Dani, with the intention to illegally grab the petitioner's land, started falsely claiming that the said property falls within their Khasra boundaries and allegedly manipulated the boundary description (chauhaddi) in certain revenue records. On 12.03.2023, the private respondents forcibly broke the lock installed by the petitioner, demolished the boundary wall and trespassed upon the said property and started raising unauthorized construction thereon.

4. The petitioner immediately lodged a written complaint on 28.03.2023 at Police Station New Rajendra Nagar, Raipur, disclosing commission of cognizable offences, however, the police authorities failed to register an FIR and merely made a general diary entry stating that the dispute is civil in nature. Aggrieved by the illegal acts of the private respondents, the petitioner filed Miscellaneous Civil Application No. 44/2023 before the Civil Judge Senior Division, Raipur seeking protection of the property. The Civil Court, vide order dated 05.06.2023, after examining the sale deed and other material on record, granted a stay order in favour of the Petitioner and prima facie found that the



Petitioner had purchased the disputed property and had constructed a boundary wall thereon. Despite the said stay order, the private respondents continued raising illegal construction on the disputed land in violation of the Civil Court's order. The petitioner thereafter approached the Judicial Magistrate First Class, Raipur by filing an application under Section 175(3) BNSs seeking directions for registration of FIR, however, the said application was rejected on 09.08.2023 holding that the dispute is civil in nature. The Criminal Revision preferred by the Petitioner was also dismissed by the Additional Sessions Judge, Raipur on 13.01.2026. The petitioner submits that the private respondents have fraudulently manipulated boundary descriptions in revenue records and forged documents with the intention to illegally grab the Petitioner's land and to justify their unauthorized possession and construction.

5. Despite repeated complaints made by the petitioner to the police authorities disclosing offences such as criminal trespass, mischief, forgery, cheating and criminal conspiracy, the police have refused to register an FIR on the ground that the matter is civil in nature. In these circumstances, the petitioner has been compelled to approach this Hon'ble Court by way of the present petition seeking appropriate directions for registration of FIR and action against the private respondents for the offences committed by them. Hence the petition.

6. Learned counsel for the petitioner submits that the respondent police authorities have failed to perform their statutory and mandatory



duty to register an FIR despite the Petitioner's written complaints clearly disclosing commission of several cognizable offences including criminal trespass, mischief, forgery of public records, cheating and criminal conspiracy. It is well settled by the judgment of the Hon'ble Supreme Court in **Lalita Kumari v. Govt. of U.P., (2014) 2 SCC 1** that registration of FIR is mandatory when information discloses a cognizable offence and no preliminary inquiry is permissible in such circumstances. The refusal of the police authorities to register FIR on the ground that the dispute is of "civil nature" is wholly arbitrary and contrary to settled law, as the existence of a civil dispute does not bar investigation into independent criminal offences arising out of the same set of facts. He further submits that the private respondents have willfully violated the Stay Order dated 05.06.2023 passed by the competent Civil Court and have continued illegal construction on the disputed property in brazen disregard of the judicial order. Such willful disobedience constitutes a cognizable offence under Section 223 of the Bharatiya Nyaya Sanhita, 2023, apart from offences relating to criminal trespass, mischief and forgery of public records by manipulating boundary (chauhaddi) descriptions in revenue documents with the intention of illegally grabbing the Petitioner's land. The acts of the Private Respondents therefore disclose serious criminal offences which require immediate police investigation.

7. Learned counsel for the petitioner also submits that the continued inaction of the police authorities in refusing to register FIR and take action against the private respondents has enabled them to persist with



illegal construction and unlawful occupation of the Petitioner's land, thereby causing grave and irreparable injury to the Petitioner. Such arbitrary refusal amounts to gross dereliction of statutory duty, violates the Petitioner's right to equality and protection of law under Article 14 and her right to life and property under Article 21 of the Constitution of India, and effectively aids and abets the illegal acts of the Private Respondents. Unless immediate directions are issued for registration of FIR and investigation, the petitioner will suffer irreparable harm and permanent dispossession from her property.

8. *Per contra*, learned State Counsel opposed the submissions advanced by learned counsel for the petitioner.

9. We have heard learned counsel for the parties and considered the submissions advanced by the respective counsel.

10. From the facts as narrated in the writ petition, it is evident that the dispute between the petitioner and the private respondents primarily arises out of a claim relating to title, possession and boundary description of the land bearing Khasra No.150/14 situated at Mouza Amlidih, Tehsil and District Raipur. The petitioner herself has already approached the competent Civil Court by filing a civil proceeding wherein the Civil Court has passed an interim order dated 05.06.2023. Thus, the matter with respect to the rights of the parties over the disputed land is already sub-judice before the competent Civil Court. It is also not in dispute that the petitioner had earlier invoked the remedy available under Section 175(3) of the Bharatiya Nagarik Suraksha



Sanhita, 2023 before the learned Judicial Magistrate First Class, Raipur seeking direction for registration of FIR and the said application has been rejected by the learned Magistrate vide order dated 09.08.2023. The petitioner thereafter preferred a criminal revision which has also been dismissed by the learned Additional Sessions Judge, Raipur on 13.01.2026.

11. In view of the aforesaid facts, it is apparent that the petitioner has already availed the statutory remedy provided under the criminal law for seeking registration of FIR and the competent courts have considered the matter and declined to grant such relief. Once the petitioner has exhausted the remedy under the provisions of the criminal law and the orders passed by the competent courts have attained finality, the petitioner cannot be permitted to invoke the extraordinary jurisdiction of this Court under Article 226 of the Constitution of India for the same relief. It is well settled that the writ jurisdiction of the High Court is discretionary in nature and ordinarily the High Court does not entertain a writ petition seeking a direction for registration of FIR particularly when the aggrieved person has an efficacious alternative remedy available under the criminal law. In the present case, the petitioner has already availed such remedy and the competent courts have declined to interfere. Further, from the material placed on record, the dispute between the parties appears to be essentially related to the title, possession and boundary of immovable property which is already the subject matter of civil proceedings. The issues regarding ownership, possession and alleged encroachment are matters which are required



to be adjudicated upon by the competent Civil Court on the basis of evidence led by the parties. In such circumstances, the invocation of writ jurisdiction for directing registration of FIR would not be appropriate. So far as the allegation regarding violation of the civil court's interim order is concerned, it is always open to the petitioner to approach the competent Civil Court for appropriate relief in accordance with law.

12. In view of the aforesaid facts and circumstances of the case, we are of the considered opinion that no case for interference under Article 226 of the Constitution of India is made out.

13. Accordingly, the writ petition, being devoid of merit, deserves to be and is hereby **dismissed**.

Sd/-

(Ravindra Kumar Agrawal)
Judge

Sd/-

(Ramesh Sinha)
Chief Justice

