

HIGH COURT OF CHHATTISGARH, BILASPUR

W.A. No. 235 of 2015

1. Smt. Rachana Ghale W/o Chaman Ghale, aged about 32 years, R/O. Plot No. 11, Block No. 16, Radhika Nagar, Bhilai, P.S. Supela, Tahsil and District Durg (Chhattisgarh)

---- Appellant

Versus

1. State Of Chhattisgarh Through : The Secretary, Home Department, Mahanadi Bhawan, Raipur (Chhattisgarh)
2. Superintendent of Police, Durg, District Durg (Chhattisgarh)
3. Station House Officer, P.S. Newai, Bhilai Nagar, District Durg (Chhattisgarh)
4. Chaman Ghale S/o Radheshyam Ghale, aged about 32 Years R/O 11/12, Ispat Nagar, Risali, P.S. Newai, Tahsil and District Durg (Chhattisgarh)
5. Radheshyam Ghale S/o Late Puran Das Ghale, aged about 55 Years.
6. Smt. Shanti Ghale W/o Radhe Shyam Ghale, aged about 50 Years. No. 5 to 6 R/O. 5/38, Ispat Nagar, Risali, P.S. Newai, Tahsil and District Durg (Chhattisgarh)

---- Respondents

For Appellant. -	Mr. T.K. Tiwari, counsel.
For Respondents No. 1 to 3 -	Mr. A.S. Kachhawaha, Additional Advocate General for the State.

Hon'ble Shri Justice T. P. Sharma
Hon'ble Shri Justice Inder Singh Uboweja

Order On Board
(27/04/2015)

T.P. Sharma, J

1. This is writ appeal against the order dated 20.03.2015 passed in W.P.(Cr.)No.64/2015, whereby writ Court has passed the following order:-

“2. Taking into consideration the law in this regard which by now is well settled through the judgments of the Hon'ble Supreme Court in the case of Lalita Kumari v. Government of Uttar

Pradesh and others reported in 2014 (2) SCC 1 and also in the case of Sakiri Vasu v. State of Uttar Pradesh and others reported in 2008 (2) SCC 409 whereby it has been held that the petitioner has a remedy available under the law to approach the competent authority by moving a complaint case against the private respondents, the petitioner also has the liberty of initiating appropriate proceedings by way of filing complaint case against the respondents and as such the instant writ petition at this juncture is not sustainable.

3. *With the aforesaid liberty available to the petitioner this Court as of now is not inclined to invoke its extra ordinary writ jurisdiction under Article 226 of the Constitution of India”.*
2. Learned counsel for the appellant submits that act attributed to respondent is squarely falls within the ambit of Section 498-A of the IPC.
3. As held in the case of **Lalita Kumari v. Government of Uttar Pradesh**¹, **Sakiri Vasu v. State of Uttar Pradesh and others**² and **Arnesh Kumar v. State of Bihar & Anr.**³ in case of offence punishable under Section 498-A of the IPC, Investigating Officer is required to take effective steps.
4. Considering the aforesaid dictum and the order in question, we do not find any scope for interference in the order impugned.
5. Consequently, the writ appeal is liable to be dismissed and is hereby dismissed.

J U D G E

J U D G E

Vijay

1 (2014) 2 SCC 1
 2 (2008) 2 SCC 409
 3 (2014) 8 SCC 273