

NAFR

HIGH COURT OF CHHATTISGARH, BILASPUR**WPCR No. 110 of 2013**

1. Shanker Rao Shinde S/o Late B.R. Shinde Aged About 57 Years R/o Nikhil Kunj, In Front Of Geeta Palace, Muktidhaam Road Sarkanda, Post & Tehsil Bilaspur, Police Station Sarkanda, Revenue & Civil Distt. Bilaspur C.G.
2. Bal Krishna Rao Kadam S/o Late Pradhan Ji Rao Kadam, Aged About 60 Years (Pujari At Aai Tulja Bhawani Mandir, Kududand Bilaspur), R/o Deydhan Para Sarkanda, Post & Tehsil Bilaspur, P.S. Sarkanda, Revenue & Civil Distt. Bilaspur C.G.

---- Petitioner

Versus

1. State Of Chhattisgarh, Through Secretary Department Of Home Affairs (Police) Mahanadi Bhawan, Naya Raipur, Revenue & Civil Distt. Raipur C.G.
2. Director General Of Police Raipur, Revenue & Civil Distt. Raipur C.G.
3. Inspector General Of Police Bilaspur Range, Revenue & Civil Distt. Bilaspur C.G.
4. Superintendent Of Police Bilaspur, Revenue & Civil Distt. Bilaspur C.G.
5. District Magistrate Bilaspur, Revenue & Civil Distt. Bilaspur C.G.
6. City Magistrate Bilaspur, Revenue & Civil Distt. Bilaspur C.G.
7. Station House Officer, Police Station Civil Lines Bilaspur, Revenue & Civil Distt. Bilaspur C.G.
8. Vikram Baakrey Alias Raja S/o Late Narayan Rao Baakrey, Aged About 40 Years R/o Near Bhraspati Bazaar, Chatapara, Post & Tehsil Bilaspur, P.S. Civil Lines, Revenue & Civil Distt. Bilaspur C.G.
9. Harsh Vardhan Rao Bhosle S/o Late Malhar Rao Bhosle Aged About 49 Years R/o Bhandhwa Para, Post & Tehsil Bilaspur, P.S. Civil Lines, Revenue & Civil Distt. Bilaspur C.G.
10. Ashish Kapse S/o Late Shanker Rao, Aged About 38 Years R/o Near Bhraspati Bazaar, Chatapara, Post & Tehsil Bilaspur, P.S. Civil Lines, Revenue & Civil Distt. Bilaspur C.G.
11. Purushottam Rao Ghatge, S/o Late Gopal Rao Aged About 60 Years R/o Milan Chowk, Kududnad, Post & Tehsil Bilaspur, P.S. Civil Lines, Revenue & Civil Distt. Bilaspur C.G.
12. Suresh Kumar Jadhav S/o Late Keshav Rao Aged About 48 Years R/o Milan Chowk, Kududnad, Post & Tehsil Bilaspur, P.S. Civil Lines, Revenue & Civil

Distt. Bilaspur C.G.

13. Lomesh Rao Shinde S/o Late Dinker Rao Aged About 45 Years R/o Ganga Nagar, Phase-II, Post & Tehsil Bilaspur, P.S. Civil Lines, Revenue & Civil Distt. Bilaspur C.G.

----- Respondent

For Petitioners : Shri Surfaraj Khan, Advocate.
 For Respondents 1 to 7 : Shri RK Gupta, Deputy Advocate General.
 For Respondents 8 to 13 : Shri Avinash Chand Sahu, Advocate on behalf of Shri Alok Gupta, Advocate.

Hon'ble Shri Justice Prashant Kumar Mishra

Order On Board

09/12/2015

1. In a dispute pertaining to control of 'Aai Tulja Bhawani Temple', Kududand, a law and order situation was created by the two groups, one of which consists of respondents 8 to 13. Petitioner No.1 claims to be elected representative of the Managing Committee of the said temple whereas petitioner No.2 is said to be Priest of the temple.
2. Papers annexed with the writ petition particularly Annexure-P/3 would indicate that the City Magistrate, Bilaspur has proceeded under Sections 107 and 116 (3) CrPC and in that course, it has obtained bond for maintaining peace and tranquility from the members of both the groups.
3. Learned counsel for the petitioners would submit that by Annexure-P/3 the City Magistrate directed the SHO, Police Station Civil Lines, Bilaspur to submit a report, however, the said report was never submitted by the concerned police.
4. Be that as it may, this writ petition was presented in October, 2013 and the proceeding under Sections 107 & 116 (3) of the CrPC was initiated in April, 2013. Under sub-section (6) of Section 116 CrPC, inquiry under the said

provision is required to be completed within a period of 6 months from the date of its commencement, and if such inquiry is not so completed, the proceedings under this Chapter shall, on the expiry of the said period, stand terminated unless, for special reasons to be recorded in writing, the Magistrate otherwise directs. Admittedly, more than 2 years have elapsed after the commencement of the proceedings under Section 116 CrPC, therefore, it has come to an end by operation of law.

5. In view of the above, the writ petition has been rendered infructuous. It is accordingly dismissed as having become infructuous. However, if any dispute still persists, the petitioners or any other party concerned would be at liberty to initiate the proceeding in accordance with law.

Sd/-
Judge
(Prashant Kumar Mishra)

Barve