

**HIGH COURT OF CHHATTISGARH, BILASPUR**

**WPC No. 1336 of 2015**

1. Chhatlall Patle S/o Ratiram Patle Aged About 42 years (Wrongly Mentioned In Order / Letter Chhatram) , R/o Village Jarve (B), Tehsil Baloda District- Janjgir- Champa (Chhattisgarh).

**---- Petitioner**

**Versus**

1. State Of Chhattisgarh Through The Secretary, Panchayat And Rural Development Department, Mahanadi Bhavan, Mantralaya, New Raipur, Police Station Rakhi, District- Raipur (Chhattisgarh)
2. The Collector, Janjgir - Champa District - Janjgir- Champa (Chhattisgarh)
3. The Sub Divisional Officer (R), Janjgir, District Janjgir- Champa (Chhattisgarh).
4. The Tahsildar, Janjgir, District - Janjgir - Champa (Chhattisgarh)
5. Chief Executive Officer, Janapad Panchayat Baloda, District- Janjgir- Champa (Chhattisgarh).
6. The Assistant Commissioner, Tribal Development, Janjgir, District Janjgir - Champa (Chhattisgarh)

**---- Respondents**

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| For Petitioner.       | : Shri Pushpendra Patel, Advocate. |
| For Respondent/State. | : Ms. Sunita Jain, Panel Lawyer.   |

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**Order On Board**

**03/08/2015**

Heard.

1. This petition is filed by the petitioner in view of memo dated 09.07.2015 directing to register the FIR.
2. Learned counsel for the petitioner submits that the petitioner has not committed any offence, enquiry was made but nothing could be elicited in the enquiry to prima facie constitute

commission of an offence by the petitioner whether, cognizable or non-cognizable, even then, the direction has been issued to police authority to register the offence.

3. At the outset, it has to be observed that of Annexure P-1 only directs to lodge report in the police station. The respondent authority have no jurisdiction under the law to direct the police to register the FIR. They can only submit their report and thereafter, it is within the jurisdiction of the Police Authority to make an enquiry and then decide whether an offence should be registered or not as has been considered by the Supreme Court in the case of **Lalita Kumari Vs. Government of Uttar Pradesh and Others, (2014)2 SCC1**.

4. This Court cannot stop the respondent from submitting a report in the police station. If upon the report so made offence is registered against the petitioner, at that stage, he would be at liberty to take recourse to appropriate remedy as may be available to him under the law.

5. With the aforesaid observation the petition is finally disposed off.

Sd/-

**Manindra Mohan Shrivastava**

Judge

Amita