

HIGH COURT OF CHHATTISGARH, BILASPUR

WPC No. 439 of 2016

Smt. Vandana Sahu W/o Tikendra Sahu, Aged About 28 Years Posted As Assistant Teacher (Panchayat), R/o Palaud, Post Office- Tekari, Police Station Abhanpur, District Raipur (Chhattisgarh)

---- Petitioner

Versus

1. State Of Chhattisgarh Through The Secretary, Panchayat And Rural Development Department, Mahanadi Bhawan, Mantralaya, New Raipur (Chhattisgarh)
2. The Chief Executive Officer, Zila Panchayat, Raipur, District Raipur (Chhattisgarh)
3. The Chief Executive Officer, Janpad Panchayat, Abhanpur, District Raipur (Chhattisgarh)

---- Respondents

Shri Gautam Khetrpal, counsel for the petitioner/s.
Shri Satish Gupta, Govt. Advocate for the State.

Hon'ble Shri Justice Manindra Mohan Shrivastava

Order On Board

24/02/2016

Heard.

1. The petitioner has filed this petition aggrieved by a communication dated 13.01.2016 of the Chief Executive Officer, Zila Panchayat, Raipur whereunder directions have been given for lodging FIR to the Chief Executive Officer, Janpad Panchayat, Abhanpur.
2. Learned counsel for the petitioner submits that without making any enquiry, without affording any opportunity of hearing and without there being any material, it has been wrongly assumed that the petitioner has committed an offence. He submits that the direction is illegal and arbitrary.
3. The communication dated 13.01.2016 (Annexure P/1) directs the Chief

Executive Officer of Janpad Panchayat, Abhanpur to inform the Police regarding alleged commission of offence. However, whether a criminal case is made out or not, warranting registration of offence is essentially in the realm of jurisdiction of police authority.

4. The Court cannot stop anyone approaching the police authority. It goes without saying that if any report is lodged in the police station, it would be open for the police authority to consider the material in accordance with law and proceed in the matter.

5. With the said observations, the petition is disposed off.

Sd/-

(Manindra Mohan Shrivastava)
Judge