

HIGH COURT OF CHHATTISGARH, BILASPUR**Writ Petition (Cr) No. 80 of 2016**

Smt. Shanti Gupta wife of Gaya Prasad Gupta, aged about 60 years, R/o. Dhamapur, Near Shitala Mandir, Jabalpur, District Jabalpur (MP)

---- Petitioner

Versus

1. State Of Chhattisgarh, Through: The Secretary, Home Department, Mantralaya, Mahanadi Bhawan, New Raipur, District Raipur (CG)
2. Superintendent of Police, Balod, District Balod (CG)
3. Sub Divisional Officer, Police, Balod (CG)
4. Station House Officer, Police Station Gunderdehi, District Balod (CG)

---- Respondents

For Petitioner	:	Mr. N.K.Chaterjee, Advocate
For Respondents	:	Mr. Dhiraj K. Wankhede, Government Advocate, on advance copy

Hon'ble Shri Justice Sanjay K. Agrawal

C A V Order

05/04/2016

1. Heard on admission.
2. The writ petitioner has filed the instant writ petition directing respondent No.4 to take proper action against offenders and to tile charge-sheet against them in Crime No.244/2015 on the basis of report lodged by the petitioner dated 20.8.2015.
3. Learned counsel for the petitioner would submit that despite the F.I.R. lodged by the petitioner on 20.8.2015 at Police Station Gunderdehi for the incident which took place from 13.5.1999 to 16.4.2013 and on the basis of which Crime No.244/2015 for offences punishable under Sections 420, 467, 468 and 471/34 of the IPC was registered against Om Prakash Gupta and others, no action was taken regarding the arrest of the offenders who have been involved according to the report lodged by the petitioner, therefore, aforesiad relief be granted and requisite direction be issued.
4. On the other hand, learned Government Advocate for the State/respondents would submit that statements of Om Prakash Gupta and five others have

been recorded under Section 161 of the CrPC as the present crime relates to forged signature in sale deeds for the incident took place in between 13.5.1999 to 16.4.2013 and the Station House Officer, Police Station Gunderdehi has issued notices to the accused persons as well as the petitioner to give their specimen signatures for examination by hand-writing expert, but neither the petitioner nor the accused persons are co-operating the investigating officer to complete the investigation and therefore, there is delay in completing the investigation and as such, matter is under investigation.

5. I have heard learned counsel appearing for the parties and gone through the record with utmost circumspection.
6. In the matter of **Srinivas Gundluri and others v. SEPCO Electric Power Construction Corporation and others**¹, it has been held by Their Lordships of the Supreme Court that neither charge-sheet nor final report has been defined in CrPC. Charge-sheet or final report means a report under Section 173 of the CrPC which has to be filed by police officer on completion of his investigation.
7. Investigation as stated by the State Government is on and neither the petitioner nor the accused persons are co-operating the investigation, therefore, no such direction can be issued at this stage. It is for the petitioner to co-operate in the investigation so that investigation can be completed. No writ can be issued for filing charge-sheet at this stage. It is for the investigating agency to do the needful and also for the petitioner to co-operate in the investigation for early conclusion of the investigation.
8. The writ petition being without substance is liable to be and is hereby dismissed. No order as to cost(s).

Sd/-

(Sanjay K. Agrawal)
JUDGE

B/-

¹ (2010) 8 SCC 206