

HIGH COURT OF CHHATTISGARH, BILASPUR**WP227 No.868 of 2015**

- Kamlesh Singh Thakur, S/o Tek Singh Thakur, aged about 27 years, R/o Dondi Lohara, Police Station Dondi Lohara, Civil and Revenue District – Balod (C.G.)

---- Petitioner**Versus**

1. State of Chhattisgarh, through The Secretary, Home Department, Mahanadi Bhavan, Mantralaya, New Raipur, District – Raipur (C.G.)
2. Superintendent of Police, Rajnandgaon, District – Rajnandgaon (C.G.)
3. Station House Officer, Kotwali, District – Rajnandgaon (C.G.)
4. Vinay Kumar, S/o Fulchand Vaidya, R/o Heera-moti line, Rajnandgaon, District – Rajnandgaon (C.G.)

---- Respondents

For Petitioner	:	Shri B.P.Singh, Advocate
For Respondents/State	:	Shri Shashank Thakur, G.A.
For respondent No.4	:	Shri P.R.Patankar, Advocate

Hon'ble Shri Justice Prashant Kumar Mishra**Order On Board****11/07/2016**

On petitioner's report an F.I.R. bearing crime No.938/2013 for offence under Section 420 of the I.P.C. was registered against respondent No.4. In connection with the said F.I.R., the petitioner moved an application before the C.J.M., Rajnandgaon under Section 173 of the Cr.P.C. seeking direction to the concerned Police to file charge sheet.

2. Learned C.J.M., Rajnandgaon has dismissed the application as premature on the ground that although the concerned Police has reported to the C.J.M that respondent No.4 has not committed any cognizable offence, however, final closure report has not been filed, therefore, the application is premature.

3. It is argued that concerned Police has already filed closure report before the C.J.M., Rajnandgaon on 24.12.2013, therefore, the observation made by the C.J.M. that

closure report has not been submitted is incorrect.

4. Considering the entire fact situation of the case, the petition is disposed of with a direction to the C.J.M., Rajnandgaon to consider and decide the acceptance or rejection of the closure report in relation to the offence pertaining to Crime No.938/2013, Police Station Kotwali, Rajnandgaon, within a period of three months from today. It is made clear, the petitioner being the complainant shall be noticed by the C.J.M. before finally deciding the closure report.

Sd/-
Judge
(**Prashant Kumar Mishra**)

Anjani