

NAFR

HIGH COURT OF CHHATTISGARH, BILASPUR**WPCR No. 223 of 2016**

- Samir Kumar Shukla S/o Suresh Chandra Shukla, Aged About 38 Years R/o Kapil Nagar, Naya Sarkanda, Post & P.S. Sarkanda, Tehsil Bilaspur, District Bilaspur Chhattisgarh

---- **Petitioner****Versus**

1. State Of Chhattisgarh Through Secretary, Department Of Home (Police) Mahanadi Bhawan, Naya Raipur, Revenue & Civil District Raipur Chhattisgarh
2. Director General Of Police, Raipur Revenue & Civil District Raipur Chhattisgarh
3. Superintendent Of Police, Korba, Civil & Revenue District Korba Chhattisgarh
4. Station House Officer, Dipka, Civil & Revenue District Korba Chhattisgarh
5. Smt. Bhuneshwari Jaiswal, W/o Shri Pradeep Jaiswal, Aged About 33 Years R/o Urja Nagar, Colony, Qrt No B 229, Dipka, Post & P.S. Dipka, Tehsil Katghora, Revenue & Civil District Korba Chhattisgarh
6. Pradip Kumar Jaiswal S/o Tamradhawaj Jaiswal, Aged About 40 Years R/o Urja Nagar, Colony, Qrt No B 229, Dipka, Post & P.S. Dipka, Tehsil Katghora, Revenue & Civil District Korba Chhattisgarh

---- **Respondent**

For Petitioner : Shri Surfaraj Khan, Advocate.
 For Respondent/State : Shri UNS Deo, Govt. Advocate.

Hon'ble Shri Justice Prashant Kumar Mishra**Order On Board****14/09/2016**

1. The present Writ Petition has been preferred for seeking direction against respondents 1 to 4 to register an FIR against respondents 5 & 6

for commission of offence under Sections 354, 454 and 323 of the IPC.

2. Prayer has been made on the allegation that respondents 5 & 6 are wife and husband. During subsistence of their marriage, respondent No.5 allured and coerced the petitioner to become intimate and developed physical relationship on which there occurred sexual relations resulting in birth of baby girl on 12th September, 2012. It is alleged that respondent No.5 promised the petitioner that they would soon get married. Respondent No.5 is also regularly sending messages on FaceBook, mobile and messenger calls. The petitioner has lodged a complaint with S.P., Korba on 12.7.2015 and before S.H.O., Dipka, District Korba on 27.8.2016. However, no steps have been taken, therefore, present petition has been filed.
3. On a reading of the contents of the complaint as also the contents of the writ petition, it does not appear that respondent No.5 has committed any cognizable offence. It is another thing if the petitioner has sexually exploited the lady but on the basis of allegations presented before the Court, offence is not made out against respondent No.5 or respondent No.6.
4. The Writ Petition being devoid of any substance deserves to be and is hereby dismissed.

Sd/-
Judge
(Prashant Kumar Mishra)