

HIGH COURT OF CHHATTISGARH, BILASPUR**WPCR No. 88 of 2017**

1. Rani Kunwar Sidar W/o Shri Padum Ram Sidar, Aged About 55 Years R/o Village Bendojhariya, P. S. & Tahsil Kharsiya, District Raigarh (Chhattisgarh).
2. Padum Ram Sidar, S/o Shri Maghuram Sidar, Aged About 61 Years R/o Village Bendojhariya, P. S. & Tahsil Kharsiya, District Raigarh (Chhattisgarh).

---- Petitioner**Versus**

1. State Of Chhattisgarh Through, The Secretary Department Of Home, Mantralaya Mahanadi Bhawan, New Raipur, District Raipur Chhattisgarh.
2. Superintendent Of Police, Raigarh, District Raigarh Chhattisgarh.
3. Station House Officer, Police Station Kharsia, District Raigarh, Chhattisgarh.
4. Sub Divisional Officer/ Land Acquisition Officer Kharsia, District Raigarh (Chhattisgarh).
5. General Manager D. B. Power Limited Badadarha, Tahsil Dhabhra, District Janjgir-Champa, Chhattisgarh.
6. Dhanjay Singh Employee Of D. B. Power Limited Badadarha, Tahsil Dhabhara, District Janjgir Champa, Chhattisgarh.
7. Sanjay Singh Employee Of D. B. Power Limited Badadarha, Tahsil Dhabhra, District Janjgir-Champa, Chhattisgarh.
8. Satish Sharma, Employee Of D. B. Power Limited Badadarha, Tahsil Dhabhra, District Janjgir Champa, Chhattisgarh.

---- Respondents

For Petitioner	:	Shri F.S. Khare, Advocate.
For State/respondents	:	Shri Neeraj Sharma, Dy. Govt. Advocate.

Hon'ble Shri Justice Rajendra Chandra Singh Samant
Order On Board

10/10/2017

Heard.

1. This petition under Article 226 of the Constitution of India has been brought with a prayer for issuance of appropriate directions.
2. Learned counsel for the petitioner No.2 is the owner of agricultural land situated in Village-Bendujharia adjacent to which a bridge is being constructed by connecting the main road to DB Power Limited, to the place where the DB Power is being installed. As the agricultural land belonging to the petitioners is being affected due to said construction work, therefore objection has been raised by the petitioner whereupon the muscle man of Respondent No.5 came on the spot, abused the petitioner No.1 in the name of her caste, threatened with dire consequences and also attempted to assault her. A complaint was made to PS-Kharsiya about the incident that took place on 14.12.2016 and a copy of this complaint was also forwarded to the Superintendent of Police i.e. respondent No.2, but no action has been taken till date. Hence, this petition.
3. Learned counsel for the petitioner placed reliance on the judgment of Supreme Court in ***Lalita Kumari vs. Government of Uttar Pradesh and Others***, reported in **(2014) 2 SCC 1** wherein it has been held by the Supreme Court that whenever an information is given to the officer of Police regarding commission of any cognizable offence, it is bounden duty of the concerned officer to register FIR and if the contents of information given does not disclose but indicate the necessity for an inquiry, a preliminary inquiry may be conducted only to ascertain whether cognizable offence is disclosed or not. Hence, on the basis of these directions as laid down in Lalita Kumari (supra), the petition be allowed.
4. Learned counsel for respondents/State submits that he has no objection if the petition is disposed of with certain directions.
5. Heard both the parties and perused the material on record.
6. In view of the judgment of Supreme Court in Lalita Kumari (supra), it is bounden duty of the Police-Officer, on receiving the complaint, to register FIR in case the

contents of the complaint disclose a cognizable offence, otherwise if the contents of the complaint need verification in that case an inquiry can be made to ascertain whether a cognizable offence is made out or not.

7. Consequently, respondent No.5 is directed to take action on the complaint made by the petitioner in accordance with directions of the Hon'ble Supreme Court in Lalita Kumari (supra).
8. Accordingly, the petition stands disposed off.

Sd/-
(Rajendra Chandra Singh Samant)
JUDGE