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HIGH COURT OF CHHATTISGARH, BILASPUR

W.P.(CR.) No. 396 of 2017

1. Ajay Kumar Sahu, S/o. Late Santram Sahu, Aged About 24 Years,
R/o. Village Housing Board Colony Khamtrari, Police Station
Sarkanda, Tahsil Bilaspur District Bilaspur Chhattisgarh.
2. Shyamta Chhatriya, W/o. Ajay Kumar Sahu, Aged About 19 Years,
R/o. Village Housing Board Colony Khamtari, Police Station
Sarkanda, Tahsil Bilaspur District Bilaspur Chhattisgarh.

---- Petitioners

Versus

1. State Of Chhattisgarh, Through : Secretary, Home Department,
Mahanadi Bhawan, Mantralay, Naya Raipur, District Raipur,
Chhattisgarh.
2. Superintendent Of Police, (S.P.) Bilaspur, District Bilaspur
Chhattisgarh.
3. Station House Officer, Police Station -Sarkanda, District Bilaspur
Chhattisgarh.
4. Parmila Chhatriya, W/o. Late Santram Chhatriya,
5. Indrajeet Chhatriya, S/o. Punau Ram Chhatriya,
6. Radhe Chhatriya, S/o. Punau Ram Chhatriya,
7. Ramfal Chhatriya, S/o. Punaauram Chhatriya,
All R/o. Village Mohtara, Police Station -Bilha, District Bilaspur
Chhattisgarh.

-----Respondents

For Petitioners : Mr. Sanjeev Kumar Sahu, Advocate
For Respondent/State : Mr. Ashish Shukla, Govt. Advocate

Hon'ble Shri Justice Rajendra Chandra Singh Samant

Order On Board

04/10/2017

Heard.

1. This petition under Article 226 of the Constitution of India has been brought with prayer for issuance of appropriate writ.
2. It is submitted by the counsel for the petitioners that petitioner No.1 and 2 were in love and have married on 08.07.2017 in Arya Samaj. Marriage certificate Annexure P/1 is annexed. It is submitted that petitioners belongs to different caste, hence, the parents of the petitioner No.2 i.e. respondent No.4 to 7 have highly objected to this marriage and have threatened the petitioners with dire consequences, because of which, petitioners have apprehension for their safety and security. A complaint was made by mother of petitioner No.1 to Superintendent of Police, Bilaspur on 04.09.2017 requesting to provide security to the petitioners and other family members of the petitioner No.1 from private respondents. It is submitted that no action has been taken by the police authorities so far, hence it is prayed that direction may be issued to enquire into the matter and take action accordingly.
3. Counsel for the State submits that case may be disposed off with direction.
4. I have heard the learned counsel for the parties and perused the documents placed on record.
5. As per the submission made and the documents on record, it is apparent that petitioners belonged to different castes and have performed marriage, which has not been accepted by the private

respondents. As regards the submission made about the apprehension to the safety and security of the petitioners, the written complaint made by the mother of the petitioner No.1 is the document, which narrates about the incident that have taken place and the threats given by the private respondents. As submitted that no action has been taken by the police authorities on the complaint made, which requires that complaint made should be enquired into and if commission of cognizable offence is found to have taken place then accordingly action has to be taken.

6. Keeping in view the direction issued by the Supreme Court in case of ***Lalita Kumari Vs. Govt. of U.P. & Ors***, reported in ***(2014) 2 SCC -1***, it is directed that respondents No.1 to 3 are directed to make an enquiry on the complaint made by the mother of the petitioner No.1 on the basis of allegations made by her and the narration of the incident that have taken place, if it is found that some cognizable offence has been committed by any of the private respondents in that case FIR may be registered and action be taken accordingly.
7. Accordingly, this petition stands disposed off.

Sd/-
(Rajendra Chandra Singh Samant)
Judge

Balram