

HIGH COURT OF CHHATTISGARH, BILASPUR**WPCR No. 405 of 2017**

- Narendra Juneja S/o Late Shri Kishanlal Juneja Aged About 43 Years R/o Nayakbada, Station Road Raigarh, P.S. City Kotwali, Tahsil And District Raigarh Chhattisgarh

---- Petitioner**Versus**

1. State Of Chhattisgarh Through The Secretary, Department Of Home, Mantralaya Bhawan, New Raipur, District Raipur Chhattisgarh
2. The Superintendent Of Police Raigarh, District Raigarh Chhattisgarh
3. The Station House Officer, Police Station City Kotwali, Raigarh District Raigarh Chhattisgarh

---- Respondents

For Petitioner	:	Shri Abhishek Saraf, Advocate.
For Respondents No.	:	Shri Neeraj Sharma, Dy. Govt. Advocate.
1 to 4/State		

Hon'ble Shri Justice Rajendra Chandra Singh Samant**Order On Board****09/10/2017**

Heard.

1. Learned counsel for the petitioner submits that on 10.5.2017 at about 8 in the morning, Ashok Mehta along with 8 other persons namely Kuldeep Narsing, Ajeet Mehta, Harshit Mehta, Arpit Mehta, Achin Mehta, Chinmaya Mahapatra, Ali, Ismail Contractor and Brother of MD Hussain armed with deadly weapons like Sabbal and Desi Katta, entered the premises of the petitioner, used abusive and filthy words and demolished the entire boundary wall legally constructed by the petitioner by using force. They also assaulted the petitioner and threatened him with dire consequences. On the same day a written complaint was made to PS-City Kotwali, Raigarh on the basis of which FIR (Annexure-A-1) was registered on the same day. As the fact, that one of the accused person was

carrying country-made revolver (desi katta) had not been mentioned in the FIR, the petitioner again made a written complaint on the same day requesting to add the aforesaid fact in FIR. It is submitted that almost five months have passed by from the date of registration of FIR, but till date no action has been taken by the Police Officer and even no arrest has been made so far. It is submitted that cognizable offences of trespass, intimidation, causing injuries punishable under the Indian Penal Code and the Arms Act have been committed, hence, prayed that suitable directions be issued in this petition.

2. 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 bearer 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.
3. Learned counsel for respondents/State submits that he has no objection if the petition is disposed of with some directions.
4. Heard both the parties and perused the material on record.
5. 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.
6. Consequently, respondents No.1 to 3 are directed to take action on the complaint made by the petitioner in accordance with directions of the Hon'ble Supreme Court in Lalita Kumari's case (supra).
7. Accordingly, the petition stands disposed off.

Sd/-
(Rajendra Chandra Singh Samant)
JUDGE