

NAFR

HIGH COURT OF CHHATTISGARH, BILASPUR**WPCR No.294 of 2017**

Amit Kumar Duhlani S/o Late Shri Thawarmal Duhlani, Aged About 34 Years
R/o Near Nagar Palika Office, Main Road Katghora, Tahsil & P. S. Katghora,
District Korba Chhattisgarh.

---- Petitioner**Versus**

1. State Of Chhattisgarh Through Secretary, Department Of Home, (Police), Mahanadi Bhawan, Naya Raipur Civil & Revenue District Raipur (Chhattisgarh)
2. Director General Of Police, Raipur Civil & Revenue District Raipur (Chhattisgarh)
3. Superintendent Of Police, Raipur Civil & Revenue District Korba (Chhattisgarh)
4. Station House Officer, Kathgora, Civil & Revenue District Korba (Chhattisgarh)
5. Collector Korba, Korba Civil & Revenue District Korba (Chhattisgarh)
6. Vikash Kumar Jaiswal, S/o Daya Shankar Jaiswal, Aged About 29 Years R/o Naer Jai Stambh Chowk, Katghora, Post, P. S. & Tahsil Katghora, Korba Civil & Revenue District Korba (Chhattisgarh)
7. Smt. Rekha Jaiswal, W/o Daya Shankar Jaiswal, Aged About 54 Years R/o Naer Jai Stambh Chowk, Katghora, Post, P. S. & Tahsil Katghora, Korba Civil & Revenue District Korba (Chhattisgarh)

---- Respondents

For the Petitioner : Shri Surfaraj Khan, Advocate.
For the Respondent/ State : Shri Ashish Shukla, Government Advocate.

Hon'ble Shri Justice Rajendra Chandra Singh Samant**Order on Board****22.08.2017.****Heard.**

1. Learned counsel for the petitioner submits that he is tenant of respondent No.7, a lease deed was entered between the respondent No.7 and the petitioner for leasing out the tenanted property for a period of 30 years from the date of lease deed i.e. 18.11.2002, respondents No.6 & 7 instead of proceeding in accordance with the

law have resorted to use of force, to get the petitioner evicted from the disputed premises before the expiry of lease deed. Petitioner made a written complaint to the police authorities vide **Annexure P-3** dated 08.07.2017, however, till date no action has been taken by the concerned police station, it is therefore submitted by the counsel for the petitioner that the instant case may be disposed with the direction to the police to register the FIR against the respondents concerned.

2. Learned counsel for the State fairly submits that he has no objection if the case is disposed with aforesaid direction.
3. Heard & perused.
4. On perusal of the complaint **Annexure P-3**, it appears that on 05.07.2017 respondent No.6 & 7 forcibly entered in the premises in possession of the petitioner and have caused mischief by damaging the shop and other articles lying there and also uttered abusive words to the petitioner. Later on, on 07.07.2017 respondents No.6 and 7 again trespassed upon the shop of the petitioner and used abusive words for him thereby again caused mischief by damaging the shop and the articles lying on the spot and threatened him by saying that they will implicate him some false criminal case.
5. Looking to the contents of the complaint, in view of the judgment of Hon'ble Supreme Court in the case of **Lalita Kumari Vs. Uttar Pradesh and others 1 (2014) 2 SCC 1**, it is the bounden duty of the police officer to register FIR in case the complaint discloses commission of cognizable offence or otherwise to conduct an inquiry to ascertain about the commission of cognizable offence as alleged in the complaint.
6. Hence, this direction of Hon'ble Supreme Court has to be complied with in letter and spirit by the concerned police officer. In the result this petition is

allowed at the motion stage itself. Respondents No. 1 to 5 are directed to act in accordance with the directions laid down in Lalita Kumari's case (supra) on the complaint made by the petitioner and submit report accordingly before the Magistrate having jurisdiction.

7. Petition is stands disposed of.

Sd /-

(Rajendra Chandra Singh Samant)

Judge

Jamal