

HIGH COURT OF CHHATTISGARH, BILASPUR

WPCR No. 349 of 2017

Ashok Kumar Mehta S/o Late P L Mehta, Aged About 67 Years
Occupation Business, R/o Station Chowk Petrol Pump, Raigarh, Police
Station City Kotwali, Tahsil & District Raigarh Chhattisgarh Civil &
Revenue District Raigarh Chhattisgarh.

---- Petitioner

Versus

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

---- Respondents

Petitioner in person	:	Ajay Ayachi, Advocate.
For the Respondents/State	:	Shri Anil S. Pandey, Government Advocate.

Hon'ble Shri Justice Rajendra Chandra Singh Samant

ORDER ON BOARD

15.09.2017

Heard.

1. This petition has been brought under Article 226 of the Constitution of India with a prayer for issuance of appropriate writ.
2. It is submitted by learned counsel for the petitioner that on 09.05.2017 five persons, namely, Narendra Juneja and four others entered into premises of the petitioner, used abusive words for him and dismantled the wall constructed by him causing damages, assaulted and threatened him with dier consequences. Petitioner made a written complainant to respondent No.3 on 10.05.2017, on no action being taken by respondent No.3 another complaint was also made to respondent No.2 on 01.06.2017 despite that

no action has been taken by the respondents. Hence, this petition.

3. Learned counsel for State submits that if the case is disposed off with a direction then State has nothing to oppose.
4. I have heard the learned counsel for the parties and perused all the document placed on record.
5. Taking into consideration the principles laid down by Supreme Court in case **Lalita Kumari vs. Government of Uttar Pradesh and Others** reported in **(2014) 2 SCC 1** and judgment of this Court in case of **Bhushan Singh Versus State of Chhattisgarh and others in WPCR No.9/2017** dated 26.08.2016, it is bounden duty of the police officer concerned to register FIR if the complaint so made clearly discloses some cognizable offence.
6. It is only for exceptional cases where complaint does not disclose the commission of cognizable offence and inquiry is to be made as directed **Lalita Kumari vs. Government of Uttar Pradesh and Others** reported in **(2014) 2 SCC 1**. Hence, in view of this settled position of law this petition is allowed at the motion stage.
7. Respondents are directed to proceed with the written complaints submitted by the petitioner in accordance with the directions given in **Lalita Kumari vs. Government of Uttar Pradesh and Others** reported in **(2014) 2 SCC 1** and **Bhushan Singh Versus State of Chhattisgarh and others in WPCR No.9/2017** dated 26.08.2016.
8. Accordingly this petition is disposed off.

Sd/-

Jamal

(Rajendra Chandra Singh Samant)
Judge