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HIGH COURT OF CHHATTISGARH, BILASPUR**Writ Petition (Cr.) No. 399 of 2017**

Smt. Lata Toppo W/o Shri D.R.Khute, Aged About 37 Years R/o Gangapur Khurd, Ring Road, Namnakala, Near New Bus Stand Ambikapur, Post & Tehsil Ambikapur, P.S. Gandhi Nagar, Revenue & Civil District Surguja, Chhattisgarh

---- Petitioner

Versus

1. State Of Chhattisgarh Through Secretary, Department Of Home (Police), Mahanadi Bhawan, Naya Raipur, Revenue & Civil District Raipur, Chhattisgarh
2. Director General Of Police, Raipur, Revenue and Civil District Raipur, Chhattisgarh
3. Superintendent Of Police, Surguja (Ambikapur), Revenue & Civil District Surguja, Chhattisgarh
4. Station House Officer S.C. & S.T. Welfare Police Station, Surguja (Ambikapur), Revenue & Civil District Surguja, Chhattisgarh
5. Vishnu Manidhar Dubey Aged About 57 Years Occupation Teacher, Posted At Sanskrit Higher Secondary School Bagicha, District Jashpur, Chhattisgarh, R/o Patel Para, Ambikapur, District Surguja, Chhattisgarh
6. Dharmendra Dubey S/o Vishnu Manidhar Dubey, Aged About 39 Years Occupation Patwari, R/o Patel Para, Ambikapur, District Surguja, Chhattisgarh

---- Respondents

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

Hon'ble Shri Justice Rajendra Chandra Singh Samant**Order on Board****05.10.2017**

Heard.

1. Learned counsel for the petitioner submits that petitioner is a

member of Scheduled Tribes and respondents No.5 and 6 belong to general category. The transaction between the accused persons (respondents No. 5 & 6), and Satish Singh has no connection with petitioner in the form of commission of offence or otherwise, but only because the petitioner was an acquaintance with the accused persons (respondents No. 5 & 6), and the amount of Rs. 9 lakhs were paid by the accused persons through the petitioner. Due to breach of contract between the Satish Singh and accused persons (respondents No.5 & 6), the petitioner was burdened unnecessarily to return the amount of Rs. 9 lakhs to the accused persons (respondents No. 5 & 6), but even after returning the amount of Rs. 9 lakhs, the accused persons are regularly pressurizing the petitioner, by demanding more and more money without any liability on the part of petitioner, just in the form of exploiting the petitioner by an act of extortion. A complaint made to Police Station SC & ST Welfare, Thana- Ambikapur District- Surguja on 01.09.2017, but till date no action has been taken. Further she has also made a written complaint to respondent No.3. but no action has been taken so far. Hence this petition.

2. Learned counsel for the State submit that case may be disposed of with direction.
3. I have heard the learned counsel for the parties and perused all the document placed on record.
4. In view of the judgment passed by the Hon'ble Supreme court in

case of **Lalita Kumari vs. State of Uttar Pradesh and Others** reported in **(2014) 2 SCC 1**, it is bounden duty of the police officer to register FIR on receiving a complaint which discloses commission of cognizable offence or otherwise make an inquiry if it is necessary to do so. Hence, in view of these direction of Supreme Court, respondent No.4 has a duty to perform. Consequently this petition is allowed at the motion stage.

5. Respondent No.4 is directed to make an inquiry on the complaint made by the petitioner and if it is found that the contents of complaint discloses commission cognizable offence in that case, registered FIR and proceed accordingly.

Sd/-

(Rajendra Chandra Singh Samant)

Judge