

NAFR

HIGH COURT OF CHHATTISGARH, BILASPUR

WPCR No. 187 of 2017

- Ku. Parmeshwari Paikra D/o Shri Raghuvir Singh Shrey Aged About 32 Years R/o. House No. 126, Kasdol Block, Hadhapara, P. S. Kasdol, Distt. Baloda Bazar (Chhattisgarh)

---- Petitioner

Versus

1. State Of Chhattisgarh Through : Its, Principal Secretary, Department Of Home Mahanadi Bhavan, Mantralaya, Naya Raipur, District Raipur (Chhattisgarh)
2. The Superintendent Of Police, District Sukma Chhattisgarh
3. Station House Officer, Police Station, Sukma, District Sukma (Chhattisgarh)
4. Raghuvir Singh Shrey, Aged About 55 Years Working As Sub- Engineer, O/o. Executive Engineer, Water Resources Department, Division Sukma (Chhattisgarh)

---- Respondents

For Petitioner	:	Shri Sunil Pillai, Advocate.
For Respondents/State	:	Shri Neeraj Jain, G.A.

Hon'ble Shri Justice P. Sam Koshy

Order on Board

15/06/2017

1. The challenge in this writ petition is to the order dated 18.04.2017 (Annexure P/4) whereby the petitioner was informed to prefer a complaint before the Court.
2. The grievance of the petitioner is that the petitioner is the daughter of respondent No.4 and the petitioner's mother is Smt. Amrika. Respondent No.4 got married to the mother of the present petitioner in the year 1980-81 and subsequently respondent No.4 deserted the mother of the petitioner and he is said to have started living with another lady, namely Premlata. It is further submitted that respondent No.4 has mischievously got the name of Premlata entered into the service records of the concerned Department where the respondent

No.4 was working, in the year 1993, showing Premlata as wife and the name of children, born from the said relationship, is also shown in the service book.

3. According to the petitioner, this act on the part of respondent No.4 in entering the second marriage in the service book, without there being any legal separation from the mother of the present petitioner nor there being any legal divorce between them, amounts to criminal offence. In addition, the mother of the present petition is still alive and the said marriage of respondent No.4 with Premlata is illegal and is also a criminal offence, for which, the petitioner had made a complaint to the Police Authorities, who also found it to be true. Further grievance of the petitioner is that respondent No.4 has committed a criminal act by adding the name of Premlata and children, born out of their wedlock, in service book as nominees when his original wife is alive and has not been divorced. According to the petitioner, the Police Authorities have not investigated the complaint from the angle of act of cheating and fraud committed by respondent No.4, and that they have investigated the matter only from the angle of offence under Section 494 of the Indian Penal Code.
4. Be that as it may, Annexure P/4 is an enquiry report submitted by the Office of Superintendent of Police, Sukma. In the said report, the Police Authorities have given a categorical statement about respondent No.4's misconduct of having married, when his first wife is alive and there has been no divorce between the two.
5. In the opinion of this Court and in the light of judgment of the Supreme Court in the case of ***Lalita Kumari vs. State of U.P. & Ors., 2014 (2) SCC 1***, since the Police Authorities have already submitted a report to the employer without taking any cognizance, so far as criminal offence

is concerned, the petitioner is not left remediless. The petitioner has the remedy to get respondent No.4 prosecuted by initiating a private complaint. The petitioner ought to have taken all necessary steps by filing a criminal complaint against respondent No.4, in so far as the alleged act of cheating and fraud, as well as the offence under Section 494 is concerned. Leaving open the right of the petitioner to approach appropriate authority by way of a private complaint, the present petition, at this juncture, is dismissed.

6. With the aforesaid observation, the petition stands dismissed.

Sd/-

(P. Sam Koshy)
V. Judge