

NAFR

HIGH COURT OF CHHATTISGARH, BILASPUR

W.P.(CR.) 234 of 2017

Janki Nag, W/o. Prakash Kumar Nag, Aged About 50 Years, R/o. Bada Bazaar, Chirmiri, Post Chirmiri, Civil And Revenue District -Koriya, Chhattisgarh

---- Petitioner

Versus

1. State Of Chhattisgarh, Through : Secretary, Department Of Home Affairs (Police), New Raipur Mantralaya, New Raipur, Civil And Revenue District Raipur, Chhattisgarh
2. Director General Of Police, Raipur, District Raipur, Chhattisgarh
3. Inspector General Of Police, Range Koriya, District Koriya, Chhattisgarh
4. Superintendent Of Police, Koriya, Civil & Revenue District Koriya, Chhattisgarh
5. District Magistrate, Koriya, Civil & Revenue District Koriya, Chhattisgarh
6. Station House Officer, Police Station Chirmiri, Civil And Revenue District Koriya, Chhattisgarh
7. Abhishek Agrahari, S/o. Bhagwan Das Agrahari, R/o. Bada Bazaar, Chirmiri, Post Chirmiri, Civil And Revenue District Koriya, Chhattisgarh

-----Respondents

For Petitioner : Mr. Punit Ruparel, Advocate

For Respondent/State : Mr. Ashish Shukla, Panel Lawyer

Hon'ble Shri Justice Rajendra Chandra Singh Samant

Order On Board

24/07/2017

Heard.

1. This petition under Article 226/227 of Constitution of India has been brought seeking relief for issuance of directions against respondent

No.6 to register FIR against the respondent No.7.

2. It is submitted by the counsel for the petitioner that respondent No.7 is the tenant in the shop under the ownership of the petitioner. Respondent No.7 was asked to vacate the shop after termination of tenancy agreement but respondent No.7 has not vacated the shop and raised dispute and is taking help of unsocial elements for the purpose of harassing the petitioner.
3. On 30.03.2017 at about 9.30 am, respondent No.7 abused the petitioner and insulted her in presence of number of witnesses using insulting words for her caste as the petitioner is a member of scheduled caste. She filed a written complaint in the office of City Superintendent of Police, Chirmiri, District – Korea for registering the offence against respondent No.7 and doing the needful on 30.03.2017, but till date no FIR has been registered and no action has been taken by the police.
4. It is submitted by the counsel for the petitioner that this petition may be disposed of with suitable direction to the respondent No.1 to 6.
5. Counsel for the respondent No.6 submits that, if the, case is disposed of with suitable direction, then he is nothing to oppose.
6. Looking to the guidelines laid down in case of ***Lalita Kumari Vs. Government of Uttar Pradesh and Others***, reported in ***(2014) 2 SCC 1***, it is incumbent upon the police authorities to register FIR, if the, complaint made discloses commission of cognizable offence, otherwise at least if required, an enquiry may be made to this effect to find out the truth in the complaint made. As it appears that no action has been taken by respondent No.6 so far, which is clearly in violation

of guidelines laid down by the Hon'ble Supreme Court. Hence it is directed that respondent No.6 shall take action on the complaint of the petitioner as per the directions given in Lalita Kumari case (supra) and if necessary registered an FIR and do the needful in accordance with law.

7. This petition is disposed off with these directions.

Sd/-
(Rajendra Chandra Singh Samant)
Judge

Balram