

NAFR

HIGH COURT OF CHHATTISGARH, BILASPUR

W.P.(CR). No. 84 of 2016

1. Gokul Prasad Gupta, S/o. Shri Ram Awatar Gupta, Aged About 36 Years, R/o. Village Sivani, P.S. & Tah. Marwahi, Distt. Bilaspur, Civil And Revenue Distt. Bilaspur (Chhattisgarh)

---- Petitioner

Versus

1. State Of Chhattisgarh, Through : Secretary, Home (Police) Department, Mahanadi Bhavan, Mantralay, New Raipur (Chhattisgarh)
2. Inspector General Of Police, Bilaspur, Distt. Bilaspur (Chhattisgarh)
3. Superintendent Of Police, Bilaspur, District Bilaspur (Chhattisgarh)
4. Sub Divisional Officer (Police), Pendra Distt. Bilaspur (Chhattisgarh)

-----Respondents

For Petitioner : Mr. M.K. Sinha, Advocate

For Respondents/State : Mr. Anil S. Pandey, Govt. Advocate

Hon'ble Shri Justice Rajendra Chandra Singh Samant

Order On Board

01/09/2017

Heard.

1. This petition under Article 226 of the Constitution of India has been brought with prayer for issuance of direction to the respondents.
2. It is submitted by the counsel for the petitioner that he was the owner of the tractor bearing registration No. M.P.-18AA9318 and trolley, which was stolen from his possession. Petitioner lodged a report in Police Station – Marwahi, District – Bilaspur on

16.03.2015, on the basis of which, FIR in Crime No.42/2015 for offence under Section 379 of Indian Penal Code against unknown thief was registered and till date the investigation in this case could not be completed by the concerned investigating officer. It is submitted that petitioner had purchased the vehicle on loan and because of non-payment of loan amount, an arbitration award has been passed against him. The stolen vehicle was insured against theft. The claim made to the insurance company has not been decided as the investigation by the police has not been completed till date. It is submitted that, if the, police is unable to find the stolen property or unable to find the culprits of this offence of theft, the police may be directed to file a closure report before the Court, that will make the petitioner entitled to make a claim before the insurance company.

3. Counsel for the state has opposed the petition and the submission made in this respect.
4. I have heard the learned counsel for the parties and perused the documents placed on record.
5. The FIR has been recorded on 16.03.2015 by the Police Station – Marwahi and as it appears from the document on record that investigation officer has not succeeded in tracing the stolen property and neither have succeeded in finding the culprits of the case. Under these situation, the police has an option to file closure report under Section 173 of Cr.P.C., hence this case is fit to be disposed off with direction.

6. This petition is allowed at the motion stage. Respondent No.3 is directed to complete the investigation of the Crime No.42/2015 for offence under Section 379 of Indian Penal Code preferably within a period of three months and file either a charge-sheet or file a closure report before the Court having jurisdiction within the time granted.
7. Accordingly, this petition stands disposed off.

Sd/-
(Rajendra Chandra Singh Samant)
Judge

Balram