

NAFR

HIGH COURT OF CHHATTISGARH, BILASPUR

W.P.(CR.) No. 300 of 2017

Smt. Shilpi Shrivastava, W/o. Shri Varun Gopal, Aged About 30 Years,
R/o. Om Niwas, Near Manorama Dairy, Zoratalab, Sarkanda, P. S.
Sarkanda, Bilaspur, District -Bilaspur (Chhattisgarh).

---- Petitioner

Versus

1. State Of Chhattisgarh, Through Its Secretary, Home Department,
Mantralaya, Mahanadi Bhawan, Naya Raipur, District Raipur
(Chhattisgarh).
2. Superintendent Of Police, P. S. Sarkanda, Bilaspur District Bilaspur
(Chhattisgarh).
3. Station House Officer, P. S. Sarkanda, Bilaspur District Bilaspur
(Chhattisgarh).
4. Investigating Officer, P. S. Sarkanda Bilaspur (In Crime No.
675/2016, F.I.R. Dated 04/10/2016) District Bilaspur (Chhattisgarh).

-----Respondents

For Petitioner : Ms. Ruchi Nagar, Advocate
For Respondent/State : Mr. Ashish Shukla, Govt. Advocate

Hon'ble Shri Justice Rajendra Chandra Singh Samant

Order On Board

11/10/2017

Heard.

1. This petition under Article 226 of the Constitution of India has
been brought with prayer for issuance of appropriate writ to
incorporate Amrita Gupta as co-accused in Crime No. 675/2016,
registered for offence under Section 66 (a) 67 of Information

Technology Act, 2000.

2. It is submitted by the counsel for the petitioner that on complaint made by the petitioner, FIR No.675/2016, dated 04.10.2016 was registered in P.S. - Sarkanda, Bilaspur registering offence under Section 66 (a) and 67 of the Information Technology Act, 2000, in which it is alleged that her husband – Varun Gopal has used social media application Whatsapp for defaming her character by posting objectionable material in the social media. On 22.10.2016, petitioner again submitted a written complaint informing in detail about involvement of one Amrita Gupta in the offence alleged to have been committed by Varun Gopal, on which no action is being taken by the respondent/authorities. Subsequent to that petitioner has again filed a written complaint with respondent No.2 praying to incorporate Amrita Gupta as an accused in the case. It is submitted that as per the information received by the petitioner, Amrita Gupta has been actively involved in the commission of offence by assisting the main accused Varun Gopal. Hence, prayed that direction be issued to the respondent police authorities.
3. Counsel for the State objects the grounds raised in the petition and the submission made in this respect. It is submitted that during the investigation on the complaint made by the petitioner, no clinching, incriminating evidence is found against Amrita Gupta till date. Relying on the judgment of the Hon'ble Supreme Court in case of **Manohar Lal Sharma Vs. Principal Secretary and Ors.**, reported in **AIR 2014 SC 666**, it is submitted that investigation is in the domain of the police, Court can not interfere with the investigation unless the investigation is being

conducted contrary to the statutory provisions or is malafide.

4. I have heard the learned counsel for both the parties and perused the documents placed on record.
5. The complaint submitted by the petitioner on 22.10.2016 mentions some detail to show the alleged involvement of Amrita Gupta in this case. Although, it is submitted on behalf of the respondent police authorities that till date, no clinching evidence has been found, but consequent to the repeated reports and some of the material, which is placed along with the petition, the police authorities need to reconsider the complaint dated 22.10.2016 made by the petitioner and make an enquiry to find out or rule out the involvement of Amrita Gupta in this case. Hence on the basis of theses observations made, this petition is allowed at the motion stage. Respondent police authorities are directed to make an enquiry on the complaint made by the petitioner dated 22.10.2016 with the assistance of the petitioner on the basis of material supplied by her and come to a finding as aforesaid.
6. Accordingly, the petition stands disposed off.

Sd/-
(Rajendra Chandra Singh Samant)
Judge