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HIGH COURT OF CHHATTISGARH, BILASPUR**W.P.(Cr.) No. 421 of 2017**

Santosh Singh Thakur S/o Vinod Singh Thakur Aged About 39 Years
Occupation Business, R/o Near Hanuman Mandir Gali, Darogapara,
Raigarh Police Station City Kotwali Tahsil & District Raigarh
Chhattisgarh. Civil & Revenue District Raigarh Chhattisgarh.

---- Petitioner**Versus**

1. State Of Chhattisgarh Through, The Secretary Department Of Home
Mantralay Mahanadi Bhawan New Raipur Chhattisgarh.
2. Superintendent Of Police, Raigarh, District Raigarh Chhattisgarh.
3. Station House Officer, Police Station, City Kotwali, Raigarh District
Raigarh Chhattisgarh.

---- Respondents

For the Petitioner : Shri Tarkeshwar Nande, Advocate.
For the Respondents / State : Shri Neeraj Sharma, Deputy
Government Advocate.

Hon'ble Shri Justice Rajendra Chandra Singh Samant**ORDER****12.10.2017**

1. Heard.
2. Learned counsel for the petitioner submits that on 14.9.2017 at about 2:00 pm in the afternoon five persons, namely, Sagar Verma, Subham Verma, Akash Verma and Others trespassed into the Computer Institute run by the petitioner, causing mischief by damaging the furniture. They also assaulted the petitioner, causing him injuries and threatened him for implicating him in a false case, if he does not pay Rs.3,00,000/-. The petitioner tried to lodge FIR on the same day, but it was not recorded by the respondents. A written complaint was given on 21.9.2017 to police station

City Kotwali, Raigarh. Thereafter, he has made another compliant to Superintendent of Police, Raigarh on 26.9.2017, but no action is being taken by the respondents/ police authorities. Hence, this petition.

3. Learned counsel for the petitioner has placed reliance on the judgment of the Supreme Court in the case of **Lalita Kumari vs. Government of Uttar Pradesh and Others** reported in **(2014) 2 SCC 1** and also placed reliance on the judgment of Co-ordinate Bench of this Court in the case of **Bhushan Singh Vs. State of Chhattisgarh and Others** in **W.P.(Cr.) No. 9 of 2017** dated 26.8.2016.

4. Heard learned counsel for both the parties and perused the documents on record.

5. Taking into consideration the principles laid down by the Supreme Court in Lalita Kumari's case (supra) and the judgment of this Court in Bhushan Singh's case (supra), it is settled principle that when an information given to the police discloses commission of cognizable offence, then it is bounden duty to record FIR and register offence on that basis. Only in case where the allegations made in the information need verification, some preliminary enquiry can be made by the police to ascertain whether any cognizable offence is made out or not. Hence, looking to this view and the principles laid down in this regard, this case is disposed off with appropriate direction.

6. Accordingly, the respondents are directed to make an enquiry on the complaint made by the petitioner and do the needful in accordance with the observations made in this order.

7. In view of above, this petition stands disposed off.

Certified copy of the order today.

Sd/-

(Rajendra Chandra Singh Samant)
Judge

Nimmi