

HIGH COURT OF CHHATTISGARH, BILASPUR

WPCR No. 275 of 2016

- Smt. Reshma Bai W/o Budhram Karsh, Aged About 38 Years R/o Village Kisada, P.S. Sarsiwan, District Balodabazar- Bhatapara, (Chhattisgarh)

---- Petitioner

Versus

1. State of Chhattisgarh Through The Secretary, Department Of Home, Mahanadi Mantralaya, Naya Raipur, Post Office & Police Station Naya Raipur, District Raipur, (Chhattisgarh)
2. Director General Of Police, Chhattisgarh Police Headquarters, Raipur, (Chhattisgarh)
3. Inspector General Of Police, Raipur Range, Raipur, (Chhattisgarh)
4. Superintendent Of Police, Baloda Bazar, District Baloda Bazar- Bhatapara, (Chhattisgarh)
5. Station House Officer, Police Staiton Sarsiwan, District Baloda Bazar- Bhatapara, (Chhattisgarh)
6. Santosh, S/o Laha Ram Sahu, Aged About 30 Years Village Kisada, P.S. Sarsiwan, District Baloda Bazar- Bhatapara, (Chhattisgarh)
7. Smt. Ramkumari, W/o Santosh Sahu, Aged About 25 Years Vilalge Kisada, P.S. Sarsiwan, District Baloda Bazar- Bhatapara, (Chhattisgarh)
8. Ku. Malati Sahu, D/o Shri Laha Ram Sahu, Aged About 17 Years Through Her Legal Guardian Shri Laha Ram Sahu, Village Kisada, P.S. Sarsiwan, District Baloda Bazar- Bhatapara, (Chhattisgarh)
9. Smt. Rathmati Sahu, W/o Laha Ram Sahu, Aged About 45 Years Village Kisada, P.S. Sarsiwan, District Baloda Bazar- Bhatapara, (Chhattisgarh)
10. Laha Ram, S/o Ganesh Ram Sahu, Aged About 50 Years Village Kisada, P.S. Sarsiwan, District Baloda Bazar- Bhatapara, (Chhattisgarh)

---- Respondent

For petitioner	:	Mr. Vivek Kumar Agrawal, Advocate.
For Respondent/State	:	Mr. Anil S. Pandey, Govt. Advocate for respondents No.1 to 5/State and its authorities.

Hon'ble Shri Justice Chandra Bhushan Bajpai

Order on Board

20-01-2017

1. Respondents No. 6 and 10 are not noticed.
2. Heard the matter finally at the motion stage.

3. The petitioner has filed the instant Writ Petition (Cri) under Article 226 of the Constitution of India to issue an appropriate writ and for the direction to respondents No. 4 and 5 to register the first information report against respondents No. 6 to 10 on the basis of complaint dated 19-10-2015 submitted by the petitioner which *prima facie* discloses the commission of cognizable offence.
4. The petitioner had not disclosed any fact whether he approached before the concerned Judicial Magistrate First Class under Section 156 (3) of the Code of Criminal Procedure and also there is no any disclosure of fact whether the petitioner ever filed a complaint case under Chapter 15 of the Code of Civil Procedure, 1973 by filing a complaint.
5. Keeping in view the settled principles of law as reiterated by Hon'ble Apex Court in **Lalita Kumari Vs. Government of Uttar Pradesh and others reported in (2014) 2 SCC1**, the instant Writ Petition (Cri) is disposed of.
6. Respondents No. 4 and 5 are directed to examine the complaint, if any made by the petitioner and proceed further in compliance of directions of the Apex Court regarding registration of the first information report and further investigation under the relevant provisions of Code of Civil Procedure.
7. Accordingly, the instant Writ Petition (Cri) stands disposed of.

Sd/-
(**Chandra Bhushan Bajpai**)
Judge

Raju