

HIGH COURT OF CHHATTISGARH, BILASPUR

WPCR No. 301 of 2016

Jagannath Prasad Rathore S/o Late Shri Ramnath Rathore,
Aged About 58 Years R/o N.E. 121 C.S.E.B. Colony, Korba,
East Tahsil & Distirct Korba Chhattisgarh 495677

---- Petitioner

Versus

1. State Of Chhattisgarh Through Secretary, Department Of
Home Mahanadi Bhawan, Naya Raipur, District Raipur
Chhattisgarh
2. Superintendent Of Police, Janjgir Champa, District Janjgir
Champa Chhattisgarh
3. Station House Officer, Police Station Baradwar Tahsil Sakti,
Distirct Janjgir Champa Chhattisgarh
4. Saheblal Sahu S/o Late Shri Junjram Sahu, R/o Village
Nagarda Tahsil Sakti, Distirct Janjgir Champa Chhattisgarh
5. Siyaram Ratore S/o Late Shri Natthuram Rahtore, R/o S.E. 505
C.S.E.B. Colony, Korba, East Tahsil And Distirct Korba
Chhattisgarh
6. Tribhuvan Prasad Rathore, S/o Late Shri Natthuram Rathore,
R/o S.E. C.S.E.B. Colony, Korba, East Tahsil And Distirct
Korba Chhattisgarh
7. Chunnilal Rathore S/o Late Shri Natthuram Rahtore, R/o
S.E.C.L. Colony, Korba East Tahsil And Distirct Korba
Chhattisgarh
8. Digamber Prasad Rathore S/o Late Shri Natthuram Rathore,
R/o Village Kachanda Raja, Tahisl Champa, Distirct Janjgir
Champa Chhattisgarh
9. A.S. Saiyyad, Earlier Working As Patwari New Retired Village
Nagarda, Tahsil Sakti, Distirct Janjgir Champa Chhattisgarh
10. D.R. Kurrey, Earlier Working As Patwari (Now Transferred) At
Nagarda Village Tahsil Sakti Distirct Janjgir Champa
Chhattisgarh

---- Respondents

For Petitioner	:	Mr. Vaibhav P. Shukla, Advocate
For State	:	Mr. Anil Pandey, Government Advocate

Hon'ble Shri Justice Manindra Mohan Shrivastava

Order On Board

27/01/2017

Heard on admission.

1. The petitioner has filed this petition seeking direction to respondent/police authority to register criminal case for commission of offences relating to cheating against respondents No.4 to 10. The allegation, in the petition, is that though the petitioner submitted a report before the police disclosing commission of a cognizable offence, the police did not register any case against private respondents, whereafter, the petitioner filed an application under Section 156(3) Cr.P.C. before the Magistrate for obtaining report and taking appropriate action. It is submitted that though Magistrate has directed the concerned police station to submit a report upon proper enquiry, till date, proceedings have not been concluded nor any order has been passed by the Magistrate either directing the police to register offence or taking cognizance of the commission of alleged offences.

2. Learned State counsel submits that presently the matter is under enquiry and the petitioner has approached this Court without awaiting the decision in the matter.

3. It appears that as the matter has remained pending before the Magistrate for quite sometime and the report as directed by the Magistrate have not been submitted that the petitioner has approached this Court.

4. The State, in its return, has clearly stated that presently the enquiry in the matter is pending which means that the report has not been submitted before the Magistrate. In these circumstances, I do not consider it expedient to keep this matter pending before this Court. Instead I am inclined to dispose off the matter with the direction to police authority particularly concerned Station House Officer of Police Station Baradwar, Tahsil Sakti to conclude his enquiry as early as possible and submit a report before the Magistrate so that the Magistrate may proceed further in the matter in accordance with law.

The Magistrate shall also ensure by issuing positive direction that the report is submitted before it as early as possible preferably within a period of 45 days from the date of receipt of copy of the order by respondent No.3. It is made clear that this Court has not expressed any opinion on the merits of the case.

5. Accordingly, the petition is disposed off.

Sd/-

(Manindra Mohan Shrivastava)
J U D G E

Rekha