

HIGH COURT OF CHHATTISGARH, BILASPUR

WPCR No. 311 of 2017

Akhilesh Sharma S/o Shri Rajandhari Sharma, Aged About 49 Years R/o Mini Basti Jarhabhatha, Bilaspur, Police Station Civil Line, District Bilaspur Chhattisgarh.

---- **Petitioner**

Versus

1. State Of Chhattisgarh Through The Secretary, Department Of Home And Police, Mantralaya, Mahanadi Bhawan, Raipur Chhattisgarh.
2. The Director General Of Police, Raipur, District Raipur Chhattisgarh.
3. The Inspector General Of Police, Bilaspur, District Bilaspur Chhattisgarh.
4. The Superintendent Of Police, Bilaspur, District Bilaspur Chhattisgarh.
5. The Station House Officer, Police Station City Kotwali, District Bilaspur Chhattisgarh.
6. Ramu Jaiswal, S/o Late Shri Parmatma Jaiswal, Aged About 41 Years R/o Haradi Bazar, Police Station Kusmunda, District Korba Chhattisgarh.
7. Smt. Priti Jaiswal W/o Shri Shyamu Jaiswal, Aged About 36 Years R/o Police Station Kusmunda, District Korba Chhattisgarh.

---- **Respondents**

For the Petitioner : Shri R.R. Soni, Advocate.
For the State/respondents : Shri Neeraj Sharma, DGA.
No.1 to 5.

Hon'ble Shri Justice Rajendra Chandra Singh Samant

Order on Board

30.08.2017

Heard.

1. Learned counsel for the petitioner submits that petitioner has filed a complaint before the Court of JMFC, Bilaspur, in which by order dated 15.03.2017 order has been passed to register FIR against the

proposed accused persons and investigate the case and on completion of investigation, present before the Court charge sheet or final report as the case may be. It is submitted that after passing of more than five months till date, after FIR has been registered, no investigation is being done by the respondent No.5, hence, this petition with prayer for appropriate direction.

2. Learned counsel for the State submits that, if the, case is disposed with direction then the State has nothing to oppose.
3. Heard perused.
4. A complaint made to the I.G. Police, Bilaspur, dated 29.06.2017 is on record in which it is stated by the petitioner that although statement of witnesses have been recorded but the accused persons have not been arrested till date. The purpose of investigation in any criminal case is to come to a conclusion whether any cognizable offence is committed or not. In case any cognizable offence has been committed, then it is the duty of the Investigation Officer to proceed accordingly making arrest of the accused persons and to file charge sheet before the Court and in case that no offence is made out, in that case the duty of Investigating Officer is to produce the final report of the case concerned. Respondent No.5 is competent to independently arrive at any of the conclusion as mentioned above and proceed accordingly, but keeping the matter in abeyance is not acceptable.
5. As submitted that the recording of statement of the witnesses is complete in that case there is no reason to withhold the result of the investigation. Hence, considering these facts this case is disposed off with directions.

6. This petition is allowed at the motion stage respondent No. 5 is directed to conclude investigation as soon as possible and submit report either in the form of charge sheet or final report as the case may, before the Court concerned preferably within the period of two months from the date of communication of this order.
7. This petition stands disposed of.

Sd /

(Rajendra Chandra Singh Samant)

Judge

jamal/