

HIGH COURT OF CHHATTISGARH, BILASPUR

WPCR No. 9 of 2017

Kumar Gouraha, S/o. Ramadha Gouraha, Aged About 45 Years, R/o. Village Gaoura, Tahsil Masturi, Civil & Revenue District Bilaspur (Chhattisgarh).

---- Petitioner

Versus

1. State Of Chhattisgarh, Through Secretary, Department Of Home (Police), Mahanadi Bhawan, Naya Raipur, Revenue & Civil District Raipur, (Chhattisgarh)
2. Director General Of Police, Police Head Quarter, Naya Raipur, Revenue & Civil District Raipur (Chhattisgarh)
3. Inspector General Of Police, Bilaspur, Revenue & Civil District Bilaspur, (Chhattisgarh)
4. Superintendent Of Police, Bilaspur, Revenue & Civil District Bilaspur, (Chhattisgarh)
5. Station House Officer, Masturi, Revenue & Civil District Bilaspur, (Chhattisgarh)
6. Smt. Surykanta Pandey, W/o. Bhechendra Pandey, Siksha Karmi Class 2, Middle School Janji, Block Masturi, Revenue & Civil District Bilaspur, (Chhattisgarh)

---- Respondents

For Petitioner	:	Mr. Chitranjay S. Patel, Advocate
For State	:	Mr. Sangharsh Pandey, Dy. Govt. Advocate.

Hon'ble Shri Justice Goutam Bhaduri

Order On Board

07/02/2017

Heard

1. The instant petition has been preferred with a prayer to conduct investigation in respect of the FIR which was lodged on 15.09.2009 registered as Crime No.388/2009 under Section 420, 467, 468 & 471 of Indian Penal Code at Police Station Masturi, as per Annexure P-1.
2. Learned counsel for the petitioner submits that though the FIR has been lodged on 15.09.2009 but the investigation is not being carried

out and the same is pending till date and by an information dated 27.08.2016 which was received under the Right To Information, it would reveal that the said report is still under investigation as pending. It is stated that no investigation is carried out for the reasons best known to the police officers. He therefore submits that limited prayer before this Court is to give direction to investigate the matter so as to take it to its logical end expeditiously.

3. Perused the papers filed along with the petition. No reply has been filed till date by the State despite chance was given. In view of the law laid down by Hon'ble the Supreme Court in between ***State of Bihar and Another v. Shri P.P. Sharma and Another*** reported in ***AIR 1991 SC 1260*** certainly if the FIR is registered and enormous delay is caused, the Court can always give suitable directions in given set of facts. As appears in this case the FIR was registered on 15.09.2009 and the reply under RTI dated 27.08.2016 would show still the same is pending and the investigation is lying in dormant state.
4. Therefore, it is directed that respondent No.4 & 5 shall carry out the investigation to its logical end and shall proceed in accordance with law as expeditiously as possible.
5. With such observation, the petition stands disposed of.

Sd/-
(Goutam Bhaduri)
Judge