

NAFR

HIGH COURT OF CHHATTISGARH, BILASPUR**WPCR No. 398 of 2017**

Krishna Kumar Dhritlahare Shri Paltan Das Dhritlahare Aged About 56 Years R/o Village Bundali, Post Office Nagdha Chowki, Marro, Tahsil Navagarh, District Bemetara Chhattisgarh

---- Petitioner**Versus**

1. State Of Chhattisgarh Through The Secretary, Govt. Of Chhattisgarh, Department Of Home (Police), Mahanadi Bhawan, Mantralaya, Naya Raipur Chhattisgarh
2. The Director General Of Police, Police Headquarters, Naya Raipur Chhattisgarh
3. The Collector, Bemetara, District Bemetara Chhattisgarh
4. The Superintendent Of Police, Bemetara, District Bemetara Chhattisgarh
5. The Station House Officer, Police Station Nandghat, District Bemetara Chhattisgarh
6. The Dean, Pandit Jawaharlal Nehru Medical College, Raipur Chhattisgarh

---- Respondents

For the Petitioner	: Shri Shivendu Pandya, Advocate.
For the Respondent/State	: Shri Neeraj Sharma, DGA.

Hon'ble Shri Justice Rajendra Chandra Singh Samant**Order on Board****05.10.2017**

Heard.

1. This petition has been brought under Article 226 of the Constitution of India for issuance of an appropriate writ.
2. It is submitted by learned counsel for the petitioner that petitioner his son Santosh Kumar Dhritlahare died unnatural death. Mourage inquiry was recorded in Police Station- Nandghat, District-

Bemetara about finding of dead body of unknown male person. After identification of the dead body during mourge inquiry, the witnesses opined that deceased was murdered by causing fatal injury by use of sharp weapon. Postmortem report also mentioned stab injuries with the finding that death is due to poisoning. Petitioner made a complaint to the Director General of Police, Raipur raising doubt on the findings of the Doctor conducting autopsy and has prayed that inquiry be made, as he contented that his son was murdered. It is submitted that no action being taken by the police authority, hence this petition.

3. Learned counsel for the State opposes the petition and submission made. It is submitted that this is a clear cut case of suicide.
4. I have heard the learned counsel for the parties and perused all the document placed on record.
5. As it is apparent from the perusal of mourge inquiry report and postmortem report that stab injuries were found present on the body of the deceased, although there is findings that deceased death was due to sulfas poisoning, but that is yet to be confirmed by FSL examination. Presently the findings of injuries on the body of the deceased raises doubt as to whether he has been assaulted prior to his death and whether the suspected consumption of poisoning was voluntarily or administered by some body else. Hence, in these circumstances an inquiry has to be made to ascertain the real cause of death of the deceased.

6. In view of the judgment of **Lalita Kumari vs. State of Uttar Pradesh and Others** reported in **(2014) 2 SCC 1**, police authorities are directed to make an inquiry on the complaint made by the petitioner and proceed accordingly.
7. Petition stands disposed off.

Sd /-

(Rajendra Chandra Singh Samant)

Judge