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HIGH COURT OF CHHATTISGARH, BILASPUR**Writ Petition (Cr.) No. 27 of 2017**

Dilip Saytode S/o Late Laxmi Prasad Saytode Aged About 33 Years
R/o Village Bhansoj, Police Station Arang, Tahsil Arang, Civil And
Revenue District- Raipur, Chhattisgarh

---- Petitioner**Versus**

1. State Of Chhattisgarh Through Secretary, Department Of Home Affairs (Police), New Raipur Mantralaya, New Raipur, Civil And Revenue District Raipur, Chhattisgarh
2. The Director General Of Police, Raipur, Civil And Revenue District Raipur, Chhattisgarh
3. The Inspector General Of Police Range, Raipur, Civil And Revenue Raipur, Chhattisgarh
4. Superintendent Of Police, Raipur, Civil And Revenue District- Raipur, Chhattisgarh
5. District Magistrate, Raipur, Civil And Revenue District Raipur, Chhattisgarh
6. Station House Officer, Police Station Arang, Civil And Revenue District Raipur, Chhattisgarh
7. Uma Puraina Aged About 45 Years R/o Post Beldar Sivni, Thana Kharora, Raipur, Civil And Revenue District Raipur, Chhattisgarh

---- Respondents

For the Petitioner	:	Shri Punit Ruparel, Advocate.
For the Respondent/State	:	Shri Ashish Shukla, Government Advocate.

Hon'ble Shri Justice Rajendra Chandra Singh Samant**ORDER****01.08.2017**

1. Heard.
2. This petition has been brought under Article 226/ 227 of the Constitution of India for issuance of a writ directing respondents No.1 to 6 to take action against respondent No.7 and others on the basis of complaint made by the petitioner.

3. Learned counsel for the petitioner submits, that on 12.12.2016 at about 1:30 pm in the afternoon, a group named Gulabi Gang led by respondent No.7 – Uma Puraina, forcefully entered into the house of the petitioner, misbehaved and used abusive words for the persons present in the house and caused mischief by damaging the motorcycle and other things kept in the house and also threatened further that a false case of selling illegal liquor shall be made against them and later on the petitioner was falsely implicated, at the instance of respondent No.7. A written report was filed by the petitioner before Superintendent of Police, Raipur on 14.12.2016 supported with an affidavit. However, respondents No.1 to 6 have taken no action and made no enquiry on the complaint made by the petitioner till date, whereas, the petitioner is being harassed because of false criminal case against him. Hence, this petition.

4. Learned counsel for respondents No. 1 to 6 submits that the petitioner himself has a criminal history for committing offences of possession and sale of illegal liquor. He is making false allegation against respondent No.7 – Uma Puraina and the Gulabi Gang who has helped the police authorities in detecting the commission of offence and prosecuting the petitioner. It is further submitted that the petitioner has got an option to move private complaint before the Court having jurisdiction, hence, this petition be dismissed.

5. Learned counsel for the petitioner has placed reliance on the judgment of **Lalita Kumari vs. Government of Uttar Pradesh and Others** reported in **(2014) 2 SCC 1** and in view of the guidelines laid down and the directions given by the Supreme Court, the police authorities are duty bound to act on

the information given by any person alleging any commission of cognizable offence. It is not necessary for the police to record First Information Report in every case but looking to the contents of any complaint made, an enquiry can also be conducted to ascertain whether any cognizable offence has been committed or not and act accordingly. Hence, this appears to be a case of inaction on the part of respondents No.4 and 6.

6. For the aforesaid reasons, this petition is disposed of with a direction that respondents No.4 and 6 shall conduct an enquiry on the complaint made by the petitioner and do the needful in accordance with law. Respondents No.4 and 6 shall be at liberty to register an FIR in case commission of any cognizable offence is found in the enquiry made and they shall also be at liberty to conclude the proceedings of enquiry otherwise if a different conclusion is arrived in that respect.

Sd/-

(Rajendra Chandra Singh Samant)
Judge