

NAFR

HIGH COURT OF CHHATTISGARH, BILASPUR**W.P.(Cr.) No. 134 of 2017**

1. Uttam Das Mahant S/o Shri Chain Das Mahant, Aged About 48 Years
R/o Dimrapur, Naya Jagatpur, Raigarh, Tahsil & District Raigarh
(Chhattisgarh)
2. Manisha Mahant D/o Shri Uttam Das Mahant. Aged About 17 Years
Through Her Father- Natural Guardian Shri Uttam Das Mahant, S/o
Shri Chain Das Mahant, R/o Dimrapur, Naya Jagatpur, Raigarh, Tahsil
& District Raigarh (Chhattisgarh)

---- Petitioners**Versus**

1. State Of Chhattisgarh Through Secretary, Woman & Child Welfare
Department, Mahanadi Bhavan, Naya Raipur, District Raipur
(Chhattisgarh)
2. Secretary, Department Of Home (Police), Mahanadi Bhavan, Naya
Raipur, District Raipur (Chhattisgarh)
3. Juvenile Justice Board, I. C. D. S. Office Building, Urban Project
Office, Behind Tahsil Office Raigarh, Chakradhar Bal Sadan, Handi
Chowk, Raigarh, District Raigarh (Chhattisgarh)
4. Child Welfare Committee, Through Chairman, Collectorate Building,
Raigarh, District Raigarh (Chhattisgarh)
5. President, Chakradhar Bal Sadan, Maharaja Agrasen Computer
Center-1, Chakradhar Bal Sadan Anathalaya Colony, Raigarh, District
Raigarh (Chhattisgarh)
6. Director General Of Police, Police Headquarters, Raipur, District
Raipur, Chhattisgarh
7. Collector, District Raigarh (Chhattisgarh)
8. Superintendent Of Police, District Raigarh (Chhattisgarh)
9. Station House Officer, City Kotwali, Raigarh, District Raigarh
(Chhattisgarh)

---- Respondents

For the Petitioners	: Smt. Fouzia Mirza, Advocate.
For the Respondent/State	: Shri Anil S. Pandey, Government Advocate.

Hon'ble Shri Justice Rajendra Chandra Singh Samant**ORDER****24.08.2017**

1. Heard.

2. This petition has been brought under Article 226 of the Constitution of India with a prayer for issuance of appropriate writ to enquire into the alleged sex racket being run by the members of respondents No.4 and 5.

3. Learned counsel for the petitioners submits, that on 14.3.2017 at about 3:00 pm in the afternoon, the members of respondent No.5 forcefully took petitioner No.2 – Manisha Mahant and detained her in Chakradhar Bal Sadan. Petitioner No.1 – Uttam Das Mahant reported the matter to respondent No.9 – The Station House Officer, In-charge of City Kotwali and no action was taken by him. Further, petitioner No.1 filed an application before respondent No.8 – Superintendent of Police, Raigarh for release of petitioner No.2. Custody of petitioner No.2 was given to petitioner No.1 on 17.3.2017 when he was informed by petitioner No.2 that she was subjected to mental and physical harassment by way of outraging her modesty. The younger sister of petitioner No.2 was also confined in Chakradhar Bal Sadan and petitioner No.1 had to file an application under Sections 97 and 98 of the Code of Criminal Procedure before the Sub-Divisional Magistrate, Raigarh to obtain her custody. It is alleged that respondents No.5 and 6 are hand in glove and had intention to force the younger sister of petitioner No.2 into flesh trade.

4. Learned counsel for the petitioners further submits that petitioner No.1 made a complaint to respondent No.9 vide Annexure – P/3 alleging about the offence committed by the members of Chakradhar Bal Sadan. Thereafter, he also made a complaint to respondent No.7 -Collector, Raigarh alleging that the members of respondent No.5, Chakradhar Bal Sadan are engaged in running a sex racket but no action has been taken by the

concerned authorities. Hence, this petition.

5. A reference has been made to the document obtained through Right to Information Act by counsel for the petitioners in which the details are given with respect to the offences registered, which have some connection with respondent No.5.

6. Learned State counsel submits that petitioner No.1 is making false allegation and the documents have been filed alongwith reply given to the main petition showing that Nisha Mahant, the daughter of petitioner No.1, came of her own to respondent No.5 and made her intention clear that she wants to reside in Chakradhar Bal Sadan and that Nisha Mahant has made allegation against the employer of petitioner No.1, alleging that the employer of petitioner No.1 and his family members use to harass her, beat her and sexually molest her. Hence, this petition has been brought on false premise to divert the matter complained of by Nisha Mahant.

7. In reply, counsel for the petitioners submits that this petition has no connection with the complaint made by Nisha Mahant, as that complaint has been investigated and the persons concerned have been arrested by the police. This petition is purely connected with the acts of offence committed against petitioner No.2 - Manisha Mahant.

8. Perused the record.

9. Considering the submissions and the documents on the record, it appears that this case can be disposed off with directions.

10. Keeping in view the judgment passed by the Supreme Court in the case of **Lalita Kumari vs. Government of Uttar Pradesh and Others** reported in **(2014) 2 SCC 1**, it is the duty of the Police Officers, In-charge of the investigation either to lodge FIR or to conduct an enquiry to ascertain the commission of cognizable offence as per the circumstances of the case. Hence, this petition is allowed at the motion stage. Respondents No.8 and 9 are directed to consider on the complaint made by the petitioners and do the needful as per the directions laid in the **Lalita Kumari vs. Government of Uttar Pradesh and Others** (supra) either by registering FIR against the persons concerned or if the contents of the complaint made needs to be verified, then enquiry be made in this respect to ascertain whether any cognizable offence has been committed by the persons named in the FIR and proceed accordingly.

11. Accordingly, this petition is disposed off.

Sd/-

(Rajendra Chandra Singh Samant)
Judge