

HIGH COURT OF CHHATTISGARH, BILASPUR**WPCR No. 160 of 2017**

- Amin Khan S/o Late Muslim Khan, Aged About 45 Years R/o Rani Gate, Purani Basti, Police Station Kotwali, Korba, District Korba, Civil & Revenue District Korba (Chhattisgarh)

---- Petitioner**Versus**

1. State Of Chhattisgarh Through The Secretary, Ministry Of Home, Mahanadi Bhawan, Mantralay, Naya Raipur, District Raipur (Chhattisgarh)
2. The Inspector General Of Police, Bilaspur Range, Bilaspur (Chhattisgarh)
3. The Superintendent Of Police, District Korba, Chhattisgarh.
4. The Station House Officer, Police Station Kotwali, Korba, (Chhattisgarh)
5. Shri Amarnath Agrawal, S/o Late Ramawatar Agrawal, aged 48 years, R/o Ward No.28, Near Kosabadi Chowk, Police Outset Rampur, Korba, Distt. Korba.
6. Shri Manoj Rathore, aged 42 years, R/o Ward No.30, PS-Balco Nagar, Korba.
7. Shri Rajeev Ayappan, aged about 43 years, R/o Balco, Sector-3, PS-Balco Nagar, Korba

---- Respondents

For Petitioner	:	Shri Shailendra Dubey, Advocate.
For Respondents No.	:	Shri Ashish Shukla, Govt. Advocate.
1 to 4/State		

Hon'ble Shri Justice Rajendra Chandra Singh Samant**Order On Board****10/10/2017**

Heard.

1. This petition under Article 226 Constitution of India has been brought with a prayer to issue appropriate writ and directions.
2. Learned counsel for the petitioner submits that body of deceased Chand Verma

and Shankar Dewangan were found on 18.6.1994. On the basis of information received by the petitioner, that both the deceased were murdered by respondents No.5, 6 and 7, he submitted a written complaint to respondent No.3 SP, Korba on 24.3.2014. He further submits that a written complaint was also submitted to respondent No.2 on 13.8.2014 mentioning therein additional details of the offence committed and copy of this complaint has also been sent to various State authorities on 15.11.2014. He further submits that the police authorities are not taking any action on the complaints of the petitioner and on the another hand, the private respondents are constantly giving threats to the petitioner. Therefore, it is prayed that suitable directions may be issued to the police authorities to take action on the complaint made by the petitioner in accordance with law.

Learned counsel for the petitioner placed reliance on the judgment of Supreme Court in ***Lalita Kumari vs. Government of Uttar Pradesh and Others***, reported in **(2014) 2 SCC 1** wherein it has been held by the Supreme Court that whenever an information is given to the officer bearer regarding commission of any cognizable offence, it is bounden duty of the concerned officer to register FIR and if the contents of information given does not disclose but indicate the necessity for an inquiry, a preliminary inquiry may be conducted only to ascertain whether cognizable offence is disclosed or not. Hence, on the basis of these directions as laid down in Lalita Kumari (supra), the petition be allowed.

3. Learned counsel for respondents/State submits that he has no objection if the petition is disposed of with some directions.
4. Heard both the parties and perused the material on record.
5. In view of the judgment of Supreme Court in Lalita Kumari (supra), it is bounden duty of the Police-Officer, on receiving the complaint, to register FIR in case the contents of the complaint disclose a cognizable offence, otherwise if the contents of the complaint need verification in that case an inquiry can be made to ascertain whether a cognizable offence is made out or not.
6. Consequently, respondents No.1 to 4 are directed to take action on the complaint made by the petitioner in accordance with directions of the Hon'ble Supreme Court in Lalita Kumari's case (supra).

7. Accordingly, the petition stands disposed off.

Sd/-
(Rajendra Chandra Singh Samant)
JUDGE

Nisha