

HIGH COURT OF CHHATTISGARH, BILASPUR**WPCR No. 404 of 2017**

- Somnath Bhagat S/o Late Mahali Bhagat Aged About 62 Years R/o Kusmi Social Worker, Tahsil Kusmi, District Balrampur Chhattisgarh.

---- Petitioner**Versus**

1. State Of Chhattisgarh Through Chief Secretary Home Department Mantralay Mahanadi Bhawan Naya Raipur District Raipur Chhattisgarh.
2. Commissioner, Surguja, Division Surguja Chhattisgarh.
3. Collector, Balrampur, District Balrampur Chhattisgarh.
4. Sub Divisional Officer, Kusmi District Balrampur Ramanujganj Chhattisgarh.
5. The Superintendent Of Police, Balrampur District Balrampur Ramanujganj Chhattisgarh.

---- Respondents

For Petitioner	:	Shri Awadh Tripathi, Advocate.
For State/respondents	:	Shri Neeraj Sharma, Dy. Govt. Advocate.

Hon'ble Shri Justice Rajendra Chandra Singh Samant**Order On Board****09/10/2017**

Heard.

1. Learned counsel for the petitioner submits that petitioner is a social activist. On complaint made by the petitioner on 3.6.2015, an inquiry was conducted by the Sub-Divisional Officer, Kusmi, regarding the financial irregularities committed by office bearers of Janpad Panchayat, Kusmi, in construction of Kitchen-cum-Store in the year 2009-2010 and the report dated 2.8.2017 was submitted by SDO, Kusmi to Collector/respondent No.3. Thereafter, petitioner made a representation to the respondent No.3- Collector, District-Balrampur on 16.8.2017 and a representation was also made to respondent No.2 on 4.9.2017. As per the report of SDO, Kusmi, criminal action has been recommended to be

taken against the office bearers of Janpad Panchayat, Kusmi. However, till date no action in pursuance of said report has been taken and the representations made in this regard by the petitioner have fetched no result.

2. 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 certain 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, respondent No.5 is directed to take action on the complaint made by the petitioner in accordance with directions of the Hon'ble Supreme Court in Lalita Kumari (supra).
7. Accordingly, the petition stands disposed off.

Sd/-
(Rajendra Chandra Singh Samant)
JUDGE