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HIGH COURT OF CHHATTISGARH, BILASPUR

W.P.(CR.) No. 278 of 2016

Tuman Lal Chelak, S/o. Sudharam Chelak, Aged About 22 Years, By Caste Satnami, (Member Of Scheduled Caste), R/o Village Khilora, Police Station Bhatapara (Gramin), Civil And Revenue District Baloda Bazar- Bhatapara, (Chhattisgarh)

---- Petitioner

Versus

1. State Of Chhattisgarh, Through: The Secretary, Department Of Home Affairs, Secretariat, Rajdhani Raipur, District Raipur, (Chhattisgarh)
2. The Superintendent Of Police, Baloda Bazar, Superintendent Office, Baloda Bazar, Civil And Revenue District Baloda Bazar- Bhatapara, (Chhattisgarh)
3. The Station House Officer, Police Station Bhatapara (Gramin), Civil And Revenue District Baloda Bazar Bhatapara, (Chhattisgarh)
4. The Collector, Baloda Bazar, Civil And Revenue District Baloda Bazar- Bhatapara, (Chhattisgarh)
5. Samaru Ram Sahu, S/o Bahorik, Aged About 52 Years, R/o. Village Khilora, Police Station Bhatapara (Gramin), Civil And Revenue District Baloda Bazar Bhatapara, (Chhattisgarh)
6. Deonarayan Sahu, S/o. Ramesh Sahu, Aged About 32 Years,
7. Tilak Sahu, S/o Fulchand, Aged About 35 Years
8. Pulkit Sahu @ Putis, S/o Shivnanadan Sahu,
9. Top Singh Verma, S/o Makhan Verma, Aged About 34 Years
10. Bodhi, S/o Samaru Sahu, Aged About 38 Years,
No. 5 to 10 all R/o Village Khilora, Police Station Bhatapara (Gramin),
Civil And Revenue District Baloda Bazar- Bhatapara, (Chhattisgarh)
11. Union Of India, Through The Secretary, Home Affairs, Secretariat, New Delhi

-----Respondents

For Petitioner	: Mr. Janak Ram Verma, Advocate
For Respondent/State	: Mr. Anil S. Pandey, Govt. Advocate

Hon'ble Shri Justice Rajendra Chandra Singh Samant

Order On Board

10/08/2017

Heard.

1. It is submitted by the counsel for the petitioner that petitioner belongs to the category of scheduled caste being Satnami by caste. Petitioner lodged a written compliant (Annexure P/1) alleging in it that respondent No. 5 to 10, who are not the members of scheduled caste or scheduled tribe, trespassed into the house of the petitioner on 16.05.2016 using abusive words in the name of his caste forcefully demanding donation of Rs.5,000/- along with threatening. Complaint was sent by registered post on 23.05.2016, till date the respondent No.1 to 4 have not taken any action on the basis of complaint made by the petitioner. Hence this petition.
2. Counsel for the State has opposed the submission made on behalf of the petitioner. It is submitted that if this petition is disposed off with a direction then State has nothing to oppose.
3. I have heard the learned counsel for the parties and perused the documents on record.
4. Considering the documents on record and the submission made, it appears that the petitioner has grievance that neither his compliant was registered nor any enquiry was made by the respondent No.1

to 4. It is also submitted that complaint made discloses commission of cognizable offence against the private respondent.

5. In view of the guidelines laid down in case of ***Lalita Kumari Vs. Government of Uttar Pradesh and Others***, reported in ***(2014) 2 SCC 1***, it is the bounden duty of the police officer to receive complaint and if the, complaint discloses any commission of cognizable offence, then register FIR or otherwise, if the contents need verification then at least an enquiry be made to ascertain whether there had been any commission of cognizable offence.
6. In view of the guidelines laid down in case of Lalita Kumari (supra) this petition is allowed at the motion stage for the purpose of issuance of suitable direction. Respondent No.1 to 4 are directed to take appropriate steps on the written complaint submitted by the petitioner and do the needful being guided by the guidelines in case of Lalita Kumari (supra).
7. Accordingly, the petition stands disposed off.

Sd/-
(Rajendra Chandra Singh Samant)
Judge