

NAFR

HIGH COURT OF CHHATTISGARH, BILASPUR

WPCR No. 327 of 2016

- Mohd. Ikhlauque Khan S/o. Late Mohd. Alam Khan, Aged About 45 Years
R/o. Masanganj, Bilaspur, P. S. Civil Lines, Tehsil Bilaspur, Civil And
Revenue District Bilaspur (Chhattisgarh)

---- Petitioner

Versus

1. State of Chhattisgarh Through Secretary, Department Of Home (Police),
Mahanadi Bhawan, Naya Raipur, Revenue & Civil District Raipur
(Chhattisgarh).
2. Director General of Police, Raipur, Revenue & Civil District Raipur
(Chhattisgarh).
3. Superintendent of Police, Bilaspur, Revenue & Civil District Bilaspur
(Chhattisgarh).
4. Station House Officer Civil Lines, Bilaspur, Civil & Revenue District
Bilaspur (Chhattisgarh).
5. Ku. Kajol Khan @ Smt. Ayesha Khan @ Kajol, W/o. Ganesh Raj, D/o.
Mohd. Salim Khan, R/o. Masanganj, Post & Tehsil Bilaspur, Revenue &
Civil District Bilaspur (Chhattisgarh)

---- Respondent

For petitioner	:	None
For Respondent/State	:	Mr. Sangarsh Pandey, Dy. Govt. Advocate for respondents No.1 to 4/State and its authorities.

Hon'ble Shri Justice Chandra Bhushan Bajpai

Order on Board

20-01-2017

1. Respondent No.5 is not noticed.
2. The petitioner is not represented when the matter is taken up for hearing.
3. Heard the matter finally at the motion stage.
4. By filing the instant Writ Petition (Cri) under Article 226 of the
Constitution of India for issuance of suitable writ, the petitioner prayed
that the respondent No. 4 be directed to register the first information
report against respondent No. 5 on the basis of complaint dated 19-10-
2016 submitted by the petitioner which *prima facie* discloses the

commission of cognizable offence, as per under Section 154 of the Code of Criminal Procedure and guidelines issued by Hon'ble the Apex Court in **Lalita Kumari Vs. Government of Uttar Pradesh and others reported in (2014) 2 SCC1**, in the interest of justice.

5. The petitioner had not disclosed any fact whether he approached before the concerned Judicial Magistrate First Class under Section 156 (3) of the Code of Criminal Procedure and also there is no any disclosure of fact whether the petitioner ever filed a complaint case under Chapter 15 of the Code of Civil Procedure, 1973 by filing a complaint.
6. Keeping in view the guidelines issued by the by Hon'ble Apex Court in **Lalita Kumari Vs. Government of Uttar Pradesh** (supra), the instant Writ Petition (Cri) is disposed of.
7. Respondent 4 is directed to examine the complaint, if any made by the petitioner and proceed further in compliance of directions of the Apex Court regarding registration of the first information report and further investigation under the relevant provisions of Code of Civil Procedure.
8. Accordingly, the instant Writ Petition (Cri) stands disposed of.

Sd/-
(**Chandra Bhushan Bajpai**)
Judge

Raju