

HIGH COURT OF CHHATTISGARH, BILASPUR
Cr.M.P.No.583 of 2017

Smt. Rehana Begum @ Ashu Arya daughter of late Najmul Hussain, aged about 40 years, wife of Khileshwar, resident of Shanti Nagar, near the house of Shiv Verma, Matale Gali, Rajnandgaon, Tahsil & District Rajnandgaon (CG)

---- Petitioner

Versus

1. State of Chhattisgarh through the District Magistrate (Police Station-Rajnandgaon), District-Rajnandgaon (CG)
2. Khileshwar Sinha @ Jeetu Sinha, aged about 37 years, son of late Bahalram, resident of Shanti Nagar, Ward No.11, Rajnandgaon, Tahsil & District Rajnandgaon (CG)

---- Respondents

For Petitioner	:	Mr.B.P.Singh, Advocate
For State	:	Mr.ArunSao, Dy.A.G.

Hon'ble Shri Justice Sanjay K. Agrawal

Order on Board

08/05/2017

1. The petitioner made a complaint against respondent No.2 for commission of offence under Sections 294, 506 Part-II and 494 of the IPC. Concerned police station investigated the offence and submitted the charge-sheet against respondent No.2 and in turn, the trial Court framed the charges for offence under Sections 294, 506 Part-II and 494 of the IPC. However, the revisional Court by order dated 24.1.2017 discharged respondent No.2 for offence under Section 494 of the IPC in view of bar contained in Section 198(1) (c) of the CrPC, against which, this petition under Section 482 of the CrPC has been filed.

2. Learned counsel for the petitioner would submit that the impugned order is bad and unsustainable in law.

3. I have heard learned counsel for the petitioner.

4. Section 198(1) (c) of the CrPC clearly stipulates that no Court shall take cognizance of an offence punishable under Chapter XX

including Section 494 of the IPC except upon a complaint made by some person aggrieved by the offence.

5. In view of that, only on the complaint filed by aggrieved person before the Magistrate, cognizance can be taken. The police has no authority and jurisdiction to take cognizance for offence under Section 494 of the IPC on the report made by aggrieved person, therefore, the order of the revisional Court is absolutely sustainable and no interference is called for.

6. Accordingly, the petition is dismissed. However, the petitioner is at liberty to proceed in accordance with law.

Sd/-

(Sanjay K. Agrawal)
JUDGE

B/-