

NAFR

HIGH COURT OF CHHATTISGARH, BILASPUR**CRMP No. 683 of 2016**

Ramji Marar S/o Jhadu Aged About 49 Years R/o Village Godihari, P.S. And Tahsil Sarangarh, District Raigarh Chhattisgarh.

---- Petitioner**Versus**

1. Union Of India Ministry Of Coal India New Delhi Chhattisgarh.
2. State Of Chhattisgarh Through The Secretary, Department Of Home Ministry, Mahanadi Bhawan, Mantralaya, New Raipur Chhattisgarh.
3. The Managing Director South Eastern Coalfields Limited, Seepat Road, Bilaspur Chhattisgarh.
4. The Sub Area Manager South Eastern Coalfields Limited Chirmiri, District Korea Chhattisgarh.
5. Superintendent Of Police Korea, District Korea Chhattisgarh.
6. Station House Officer Through The Police Station Chirmiri, District Korea Chhattisgarh.
7. Mangal Das S/o Meghnath R/o Village Dhobani, Tahsil Bilaigarh, District Baloda Bazar/ Bhatapara Chhattisgarh.
8. Ram Das S/o Meghnath R/o Village Dhobani, Tahsil Bilaigarh, District Baloda Bazar/ Bhatapara Chhattisgarh.
9. Sarpanch, Gram Panchayat Dhobani Tahsil Bilaigarh, District Baloda Bazar/ Bhatapara Chhattisgarh.
10. Kotwar, Gram Panchayat Dhobani Tahsil Bilaigarh, District Baloda Bazar/ Bhatapara Chhattisgarh

---- Respondents

For the Petitioner	:	Shri Shashi Kumar Kushwaha, Advocate.
For the State	:	Shri Vivek Singhal, Panel Lawyer.
For respondent No.3 & 4.	:	Shri Sudhir Kumar Bajpai, Advocate.

Hon'ble Shri Justice Rajendra Chandra Singh Samant**Order on Board****21.09.2017.**

1. This petition under Section 482 of the Code of Criminal Procedure has been brought with a prayer for issuance of direction to the respondents Nos.2, 5 & 6 to register FIR against the respondents No.7 and 7.
2. It is submitted by learned counsel for the petitioner that father of petitioner Late- Jhadu Marar, was working as loader in South Eastern Coal Fields Limited (Chirimiri Colliery). He died an accidental death in the year 1984-85. Respondent No.7 in collusion with respondent No.8 prepared a forged and false document showing that respondent No.7 is son of late -Jhadu Marar and obtained employment from respondent No. 3 & 4. It is submitted that the petitioner being the son of Jhadu Marar, was entitled for the job, but he has been deprived from this opportunity by respondent No.7 & 8. A complaint was filed by the petitioner to Police Station-Chirimiri, District Korea Chhattisgarh with these details on which though an inquiry was made but no FIR has registered against respondents No. 7 & 8 till date. The complaint was also made to respondent No.5 even then no action has been taken on the complaint made by the petitioner.
3. Shri Sudhir Kumar Bajpai counsel for respondents No. 3 and 4 submits that the case may be disposed off with direction. similar submission has been made by the counsel for respondents No.1,2,5 and 6.
4. I have heard the learned counsel for the parties and perused all the document placed on record.

5. As per the contents of documents on record, the statement recorded in Police inquiry shows that respondent No. 7, who is son of Milan as, on the basis of false information supported by false documents claimed himself to be the son of Jhadu Marar and obtained the job.
6. Although the inquiry has been made, but no report has been submitted and no report has been given by the respondents No. Nos.2, 5 & 6 representing the State regarding any action taken on the basis of complaint made by the petitioner.
7. Keeping in view the Supreme Court judgment of **Lalita Kumari vs. Government of Uttar Pradesh and Others** reported in **(2014) 2 SCC 1**, it is bounden duty of the police officer to register FIR and in case the complaint discloses cognizable offence atleast inquiry be made to certain whether any cognizable offence made out or not.
8. In the result of inquiry the cognizable offence is made out then it is bounden duty of the police officer register FIR and proceed accordingly.
9. Hence, on the basis of the directions of Supreme Court judgment of **Lalita Kumari vs. Government of Uttar Pradesh and Others** (supra), this petition is allowed at the motion stage itself. Respondents No. 2,5 and 6 are directed to make an inquiry on the complaint made by the petitioner by following the guidelines in Supreme Court judgment of **Lalita Kumari vs. Government of Uttar Pradesh and Others** and also to proceed further in

accordance with the law this petition is disposed off.

10. As complaint was made by the petitioner in the year 2011, it is also directed that the inquiry be made expeditiously as soon as possible preferably within a period of two months from the date of receipt of this order.

Sd /-

(Rajendra Chandra Singh Samant)
Judge

Jamal