

AFR

HIGH COURT OF CHHATTISGARH, BILASPUR**Writ Appeal No. 126 of 2018**

Smt. Smita Khute W/o Chandan Khute Aged About 25 Years R/o Charbhata,
Police Station Bemetara, Civil And Revenue District Bemetara, Chhattisgarh.,
District : Bemetara, Chhattisgarh

---- Appellant**Versus**

1. The State Of Chhattisgarh, Through the Secretary, Department of Home Affairs (Police), New Raipur, Mantralaya, New Raipur, Civil and Revenue District Raipur Chhattisgarh
2. The Director General Of Police Raipur, District Raipur Chhattisgarh
3. The Inspector General Of Police Range Bemetara, District Bemetara Chhattisgarh
4. The Superintendent Of Police Bemetara, Civil And Revenue District Bemetara Chhattisgarh
5. The District Magistrate Bemetara, Civil And Revenue District Bemetara Chhattisgarh
6. The Station House Officer Police Station Bemetara, Civil And Revenue District Bemetara Chhattisgarh
7. Shanti Bai Satnami W/o Baisakhu
8. Raghu Satnami S/o Baisakhu
9. Amar Satnami S/o Baisakhu
10. Narendra Satnami (Though Not Made Accused In The FIR No. 33303001180010, But In The Written Complaint Dated 06.01.2018 Made Allegation)

All are R/o Charbhata, Police Station Bemetara, Civil And Revenue District Bemetara Chhattisgarh., District : Bemetara, Chhattisgarh

---- Respondents

For Appellant : Shri Punit Ruparel, Advocate.

For Respondent/State : Shri Prafull N. Bharat, Additional Advocate General.

Hon'ble Shri Thottathil B. Radhakrishnan, Chief Justice
Hon'ble Shri Sharad Kumar Gupta Judge.

Judgment on Board

Per Thottathil B. Radhakrishnan, Chief Justice

12/03/2018

1. We have heard the learned counsel for the Appellant and the learned Additional Advocate General.

2. Through the order impugned in this writ appeal, the learned Single Judge has held that the writ petition is premature. On the facts and in the circumstances of the case, we are of the view that the learned Single Judge was correct in doing so. Following the Petitioner's complaint, an FIR has been registered. It appears that the Police commenced the proceedings as if bailable offence has been committed. If such investigation unearths commission of a cognizable offence, it is within the jurisdiction of the investigating authority to proceed further in accordance with law, on that basis. The power of the Magistrate's Court is also available for the victim to make a complaint with regard to the deficiency of any charge. This being so, it would not be advisable for the writ Court to make a superficial look at the photographs and other materials and direct the registration of a case on the assumed premise of commission of a particular crime, punishable under a particular penal provision.

3. Therefore, without prejudice to the Appellant moving the learned Magistrate at the appropriate time, if he has any complaint about non-framing of requisite charges on the allegation and materials, this writ appeal is dismissed.

Sd/-

(Thottathil B. Radhakrishnan)
CHIEF JUSTICE

Sd/-

(Sharad Kumar Gupta)
JUDGE