

NAFR

HIGH COURT OF CHHATTISGARH, BILASPUR

Review Application No. 97 of 2017

- Smt. Hita Chawra W/o Shri Jaimesh Chawra, Aged About 37 Years
Proprietor Of Chawra Trading, R/o A-102, Karsan Status, New Timber
Market, Fafadih, Raipur, Chhattisgarh, Chhattisgarh

---- Petitioner

Versus

1. State Of Chhattisgarh Through Police Superintendent Of Raipur,
Chhattisgarh, Chhattisgarh.
2. S.H.O. Police Station – Civil Line, Raipur, C.G
3. Hindustan Unilever Ltd, Through :- Harish Manwani, Chief Operations
Officer.
4. Sanjeev Mehta, Chief Executive Officer.
5. Pradip Banerjee, Supply chain.
6. Kiran Naik, Regional sale Manager, Respondent No. 3-6 are – Hindustan
Unilever Ltd., Unilever House, B.D. Sawant Marg, Chakala, Andheri East.,
Mumbai – 400099.
7. Saroj Sahi, Sale Manager, Apartment No.502, Building No. 29, 5th Floor,
Ashok Ratan, Shankar Nagar, Raipur, C.G. Permanent Address- C/o Shri
Mahendra Sahi, Bihar, 343303.
8. Dipak Vyas, S/o B.P. Vyas, Regional sales Manager, R/o-Apartment No.312,
Block I, 3rd Floor, Chaintany Tower, Mova, Daldal Sivni, Raipur, C.G.

9. Santosh Mesharam, S/o Shri Arjun Mesharam, Computer Operaton, R/o-
Village- Demar, District- Dhamtari, C.G.

10. Pauranik Das Bandhe, S/o Sukalu Ram Bandhe, Computer Operator, R/o-
Village Farhad, Post- Pinka, District – Rajnandgaon, C.G.

---- Respondents

For the Petitioner	:	Shri Neeraj Choubey, Advocate
For the respondent/State	:	Shri Anant Bajpai, PL ₂

Hon'ble Shri Justice Rajendra Chandra Singh Samant

Order on Board

11.05.2018

Heard.

1. This petition has been filed with a prayer to review the order dated 10.7.2017 passed by this Court in WPCR No. 300/2016.
2. Earlier the petition was filed by the petitioner praying that offences of conspiracy, cheating, defalcation, breach of trust, forgery, etc., has been committed by the private respondents regarding which a complaint was filed before respondent No.2 on which no action has been taken, instead thereof a report under Section 155 of Cr.P.C., was given suggesting the petitioner to file a case before the civil Court. Hence, prayer was made for issuance of appropriate writ.
3. This Court after consideration on the submissions made by the parties has passed the order under review that the case has already been inquired by respondent Nos. 1 & 2 and accordingly, report under Section 155 of Cr.P.C., has been given to the effect that no cognizable offence is found to have been committed and on the basis of said finding, said petition was dismissed.

4. Grounds raised in this review petition are that the order passed is not a speaking order and that it is also not in accordance with the verdict of the Supreme Court in **Lalita Kumari vs. Government of Uttar Pradesh and Others** reported in **(2014) 2 SCC 1**.
5. It is submitted by learned counsel for the petitioner that the Division Bench of this Court vide order dated 29.11.2016 passed in Writ Appeal. No.228/2016 has observed that when a complaint is filed disclosing the commission of cognizable offence, then the police has no option but to register FIR and investigate the case. It is also submitted that in **Writ Petition No. 09/2016 (Bhushan Sing Rathia Versus State of C.G. and others)** also similar view has been taken vide order dated 26.8.2016. Hence, it is prayed that specific direction be issued by modifying the order passed by this Court earlier.
6. Learned counsel for the State has opposed the review petition and the submission made in support thereof.
7. Considered on the submissions made on behalf of the petitioner.
8. The main ground urged in this review petition is that while passing the earlier order the directions contained in Lalita Kumari case (supra) have not been taken into consideration, according to which, when a complaint filed before the police discloses commission of a cognizable offence then registration of FIR is mandatory. However, if a complaint filed before the police does not disclose a cognizable offence but indicates the necessity for an inquiry, a preliminary inquiry may be conducted only to ascertain whether cognizable offence is disclosed or not.
9. In this case, a written complaint was filed by respondent no.2 and the said complaint has been inquired after which the report has been given under Section 155 of Cr.P.C., with findings that commission of any cognizable offence is not made out and the same finding has been considered in the

earlier order passed. In such a case the respondent/ police officer cannot be directed to reopen the inquiry on the same complaint and there is no question of issuing direction for lodging of any FIR. The petitioner has remedy available under the law to approach the Court having criminal jurisdiction by filing a private complaint.

10. Looking to the facts of this case, there appears to be glimpse of civil nature as private respondents have failed to perform their promises, hence, under these circumstances it does not appear that there is any ground based on which the order dated 10.7.2017 can be reviewed, hence, no case is made out to review the order passed by this Court.

11. Hence, this petition filed by the petitioner is hereby dismissed.

Sd /-

(Rajendra Chandra Singh Samant)

Judge