

HIGH COURT OF CHHATTISGARH, BILASPUR

W.P.(CR) No. 457 of 2018

Punaklall Jharia, S/o. Shri Gendaldal Jharia, Aged About 60 Years, R/o. Village - Dhangaon, Post Office Rakse Police Station And Tahsil Shasapur Lohara, Civil And Revenue District Kabirdham Chhattisgarh.

---- Petitioner

Versus

1. State Of Chhattisgarh, Through The Secretary, Home Department Mantralaya, Mahanadi Bhawan, Capital Complex, Naya Raipur, District Raipur Chhattisgarh. Pin – 492001
2. Superintendent Of Police, Kabirdham, District Kabirdham 491995
3. Station House Office, Police Station Sahasapur Lohara, District Kabirdham. 491995
4. Station House Officer (ST & SC) Police Station- Kawardha, District Kabirdham. 491995
5. Pardeshi Patel, S/o. Shri Amritlal Patel, Aged About 40 Years, R/o. Village - Bidora, Post Office Silhati, Police Station And Tahsil Shasapur Lohara, Civil And Rev. District Kabirdham – 491995
6. Guharam Patel, S/o. Shri Jhagan Marar, Aged About 40 Years, R/o. Village - Dhangaon, Post Office - Rakse, Police Station And Tahsil Shasapur Lohara, Civil And Rev. District Kabirdham – 491995

---- Respondents

 For Petitioner : Mr. Dinesh Tiwari, Advocate
 For State : Mr. Sangharsh Pandey, Dy. G.A.

Hon'ble Shri Justice Goutam Bhaduri

Order On Board

10.08.2018

Heard

1. Learned counsel for the petitioner submits that despite the report made to the police on 25.06.2018 by the petitioner that few persons came to his house, tried to assault and extended threat to kill and thereafter the family members were also assaulted. Thereby, cognizable offence was committed for which a report was made to the S.H.O. Police Station Sahasapur Lohara, however, no FIR is being registered.

2. Perused the report Annexure P-1. Prima facie, it shows that cognizable offence has been reported. Therefore, in view of the law laid down by the Supreme Court in case of ***Lalita Kumari v. Government of Uttar Pradesh and Others (2014) 2 SCC 1***, since the cognizable offence has been reported, the concerned Police is directed to register the FIR and complete the investigation at the earliest. It is further observed that this Court has not observed anything on merit of this case attributing any allegation to anyone and the investigation officer shall be at liberty to exercise his jurisdiction on the basis of the evidence available to him.
3. With such observation, the petition stands disposed of.

Ashok

Sd/-
(Goutam Bhaduri)
Judge