

HIGH COURT OF CHHATTISGARH, BILASPUR

W.P.(CR) No. 469 of 2018

Firat Ram Dewangan, S/o. Shri Shyamlal Dewangan, Aged About 55 Years, R/o. Mahamaya Chowk, Village Kadgi, Tahsil Kasdol, District Balodabazar Bhatapara, Chhattisgarh.

---- Petitioner

Versus

1. State Of Chhattisgarh, Through Secretary, Department Of Home Affairs (Police), Mahanadi Bhawan, Naya Raipur, District Raipur, Chhattisgarh.
2. District Collector, District Balodabazar Bhatapara, Chhattisgarh.
3. Superintendent Of Police, District Balodabazar Bhatapara, Chhattisgarh.
4. Station House Officer, Police Station Kasdol, District Balodabazar Bhatapara, Chhattisgarh.

---- Respondents

 For Petitioner : Mr. Sudeep Agrawal, Advocate
 For State : Mr. Ashish Shukla, Dy. A.G.

Hon'ble Shri Justice Goutam Bhaduri

Order On Board

14.08.2018

Heard

1. By this petition, the petitioner prays for the following reliefs :

(i) That, this Hon'ble Court may kindly be pleased to issue appropriate writ/ directions to the respondent authorities, especially respondent No.4 to register FIR against the offenders as mentioned in the complaint, as per Section 154 of Cr.P.C. and the guidelines issued by the Hon'ble Supreme Court in case of Lalita Kumari v. State of U.P. & Others.

(ii) Any other relief or reliefs which this Hon'ble Court may think proper in view of the facts and circumstances of the case may also kindly be granted.

2. Learned counsel for the petitioner submits that despite the report made to the police and higher authorities that few of the society members have killed the wife of the petitioner, the FIR has not been registered.

3. Perused the report Annexure P-1, Annexure P-2 & Annexure P-3. 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.
4. With such observation, the petition stands disposed of.

Ashok

Sd/-
(Goutam Bhaduri)
Judge