

HIGH COURT OF CHHATTISGARH, BILASPUR

WPCR No. 532 of 2018

Ritik Khandekar S/o Sujeet Kumar Khandekar Aged About 17 Years Through
Legal Guardian Father Sujeet Khandekar S/o Govind Narayan Khandekar,
Aged About 39 Years, Occupation Agriculturist, R/o Lalpur, P.S. Lalpur,
District- Mungeli, Chhattisgarh ---- **Petitioner**

Versus

1. State Of Chhattisgarh Through The Secretary, Home Department,
Mantralaya, Mahanadi Bhwan, New Raipur, District- Raipur, Chhattisgarh.,
2. Director General Of Police, Police Head Quarter, Raipur, Chhattisgarh.,
3. Inspector General Of Police Bilaspur Region, District- Bilaspur, Chhattisgarh
4. Superintendent Of Police Mungeli, District- Mungeli, Chhattisgarh
5. Station House Officer Police Station Lalpur, District- Mungeli, Chhattisgarh
6. Station House Officer Police Station Ajak, Mungeli, District- Mungeli,
Chhattisgarh ---- **Respondents**

For Petitioner	:	Ms. Hamida Siddiqui, Advocate
For State	:	Mr. Chandresh Shrivastava, Panel Lawyer

S.B. Hon'ble Shri Justice Manindra Mohan Shrivastava

Order On Board

13/09/2018

Heard.

1. This petition has been filed by the petitioner alleging inaction on the part of the police authority in not making fair and proper investigation.
2. It is submitted that on the report lodged by the petitioner in the police station Lalpur, District Mungeli, offence under Section 294, 506, 323 read with Section 34 of IPC was registered against the accused on 22.06.2018.
3. It is alleged that after recording of the FIR, investigation is not being properly done and even the statement of the petitioner has not been recorded, till date. It is also alleged that on the basis of the report and the material contained therein, the police was obliged to register offence under the provision of Section 3(1)(r)(s) of the Scheduled Caste and Scheduled Tribe (Prevention of Atrocities) Act, 1989 (for short

'the Act of 1989').

4. It appears from the FIR that the petitioner approached the Police Station Lalpur and lodged a report, on which, offence under Section 294, 506, 323 read with Section 34 of IPC has already been registered and investigation is going on. The report was lodged on 22.06.2018. The police should record the petitioner's statement at the earliest. If during investigation, the Station House Officer of Police Station Lalpur forms an opinion that there is an allegation of commission of offence under Section 3(1)(r)(s) of the Act of 1989, then proper course of action would be to transfer the investigation to competent police station having jurisdiction to investigate into such allegation of commission of offence. Either way, the steps should be taken and investigation should not be unduly delayed.

5. This Court also finds that the petitioner has been making various representation to the Superintendent of Police and the Inspector General of Police. If the petitioner's statement is not recorded by the Investigating Officer within 30 days, the petitioner may bring it to the notice of the Superintendent of Police, who in turn, may issue necessary direction for effective, fair and impartial investigation in the matter. It is expected that the petitioner would fully cooperate with the investigation.

6. The petition is accordingly disposed off.

Sd/-
(Manindra Mohan Shrivastava)
Judge