

HIGH COURT OF CHHATTISGARH, BILASPURWP (Cr.) No.212 of 2016

Uday Kumar, S/o. Birjan, Aged about-18 years, R/o. Guardian
(Father) Birjan, S/o Late Lotan, aged about-60 years, R/o. Village-
Daridih, P.S.-Raghunathnagar, Tehsil-Wadrafnagar, Revenue & Civil
District-Balrampur-Ramanujganj (CG)

--- Petitioner

Versus

1. State of Chhattisgarh, Through Secretary, Department of Home
(Police), Mahanadi Bhawan, Naya Raipur, Revenue & Civil District-
Raipur (CG)
2. Director General of Police, Raipur Revenue & Civil District-Raipur
(CG)
3. Superintendent of Police, Ramanujganj-Balrampur, Revenue
District-Ramanujganj-Balrampur, Civil District-Surguja (CG)
4. Station House Officer Raghunath Nagar, Revenue District-
Ramanujganj-Balrampur, Civil District-Surguja (CG)
5. Anand Kumar S/o. Banarsi, aged about 30 years,
6. Sant Kumar S/o. Banarsi, aged about-28 years
Respondents No.5 & 6 are Agariya by Caste and are R/o.
Village-Koti, Post Office-Maheva, P.S.-Raghunath Nagar, Tehsil-
Wadrafnagar, Revenue District-Ramanujganj-Balrampur, Civil
District -Surguja (CG)
7. Kallu Khairwar, S/o. Suraj Khairwar, aged about-22 years, R/o.
Village-Koti, Post Office-Maheva, P.S.-Raghnath Nagar, Tehsil-
Wadrafnagar, Revenue District-Ramanujganj-Balrampur, Civil
District-Surguja (CG)

--- Respondents

For Petitioner	:	Mr.Rishi Sahu, Advocate
For Respondents No.1 to 4	:	Mr.Anant Bajpai, P.L.

Hon'ble Shri Justice Sanjay K. AgrawalOrder on Board12/04/2019

1. The petitioner has filed this writ petition for directing registration of
FIR against respondents No.5 to 7 stating inter-alia that they have
committed cognizable offence, but on his report, the police is not
taking action in view of the decision rendered by the Supreme Court
in the matter of Lalita Kumari v. Government of Uttar Pradesh
and others¹.

¹ (2014) 2 SCC 1

2. State has filed its return stating inter-alia that on the report of respondents No.5 and 6, offence under Sections 376 & 506 of the IPC and Sections 4 & 8 of the Protection of Children from Sexual Offences Act, 2012 (hereinafter called as 'POSCO Act') has been registered at Police Station Raghunath Nagar against the petitioner and in order to escape from liability, false complaint against respondents No.5 & 6 has been made and no cognizable offence is found to have been committed by respondents No.5 & 6.
3. I have heard learned counsel for the parties and perused the documents appended with the writ petition.
4. The police has investigated the matter and found that no offence has been committed as the petitioner has made false complaint and on the basis of report of respondents No.5 and 6 for committing rape with their sister, offence under Section 376 and 506 of the IPC and Sections 4 & 8 of the POSCO Act has been registered against the petitioner which is pending consideration.
5. In view of above, no direction can be issued against respondents No. 5 to 7 for registration of FIR at the instance of the petitioner. However, the petitioner is at liberty to proceed under Sections 156(3), 190 and 200 of the CrPC.
6. With the aforesaid observation, the writ petition finally stands disposed of.

Sd/-

(Sanjay K. Agrawal)
Judge