

NAFR

HIGH COURT OF CHHATTISGARH, BILASPUR

W.P.(Cr.) No. 30 of 2019

- Navneet Sharma S/o Late R.M. Sharma Aged About 41 Years R/o House No. C/11, Sector- II, Devendra Nagar Raipur, Chhattisgarh., District : Raipur, Chhattisgarh.

---- Petitioner

Versus

1. State Of Chhattisgarh Through The Secretary, Department Of Home Affairs, Mantralaya, Indrawati Bhawan, New Raipur, District Raipur, Chhattisgarh.
2. Superintendent Of Police District Raipur, Chhattisgarh.
3. Station House Officer Police Station Devendra Nagar Raipur, Chhattisgarh.
4. Vinod Singh S/o Late Ramashish Aged About 40 Years R/o F-39, Maruti Residency Amlidih, Raipur, Chhattisgarh.
5. Neelmani Singh S/o Shri Surendra Kumar Singh Aged About 44 Years R/o Opp. Dharamchakra School Varanasi, Uttar Pradesh.

---- Respondents

For the Petitioner : Ms. Madhunisha Singh, Advocate.

For the Respondents/State : Shri Adil Minhaj, P.L.

Hon'ble Shri Justice Rajendra Chandra Singh Samant

Order on Board

11-09-2019

Heard.

1. This petition has been brought under Article 226 of the Constitution of India praying for issuance of appropriate writ.
2. It is submitted by the learned counsel for the petitioner that there had been some dispute of accounts between the petitioner and the private respondents. On 5.2.2018, the private respondents pressurized the petitioner to fulfill the demand of Rs.40,00,000/- and thereafter, they abused and threatened him on mobile phone. Then on 15.2.2018, respondents No.5 and 6 abducted the petitioner and then forced him to sign four cheques by putting him under threat. The petitioner then

signed four cheques of the account which was held by his wife and delivered to respondents No.4 and 5 – Vinod Singh and Neelmani Singh. A written complaint was given to police station Devendra Nagar, District Raipur on 16.2.2018 and another similar complaint was given on 19.2.2018 but the police has taken no action, therefore, it is submitted that keeping in view the judgment of the Supreme Court in the case of **Lalita Kumari Vs. State of Uttar Pradesh And Others**, reported in **(2014) 2 SCC 1**, a proper order may be passed.

3. Learned counsel for the State/respondents No.1 to 3 submits that the complaint given by the petitioner was enquired by respondent No.3 and after recording the evidence in enquiry, it was found that the complaint made by the petitioner was false. On the other hand, respondent No.4 has given a written complaint to the police alleging commission of offence of cheating against the petitioner in which FIR No. 130 of 2018 has been registered on 27.6.2018 in which the petitioner himself facing criminal trial. Therefore, the petition is without any substance.
4. No notice has been served on respondents No.4 and 5.
5. Heard learned counsel for the parties and perused the documents.
6. On perusal of the documents filed alongwith the petition and also alongwith the reply filed by respondents No.1 to 3, it is found that the incident complained of by the petitioner is dated 15.2.2018 and the complaint was given on 16.2.2018 to the police in which though enquiry was made but neither the complainant nor any of his witness have been examined by the police according to the report Annexure-R/1, which is submitted with the reply and thereafter, the FIR has been lodged against the petitioner by respondent No.4 after a long delay on 27.6.2018, which has been promptly lodged. Hence, it cannot be said that the enquiry on the complaint made by the petitioner was a complete enquiry in all

respects, therefore, keeping in view the judgment of the Hon'ble the Supreme Court in the case of **Lalita Kumari Vs. State of Uttar Pradesh And Others**, reported in **(2014) 2 SCC 1**, it has held that in paragraph 120.2:

'120.2: If the information received 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.'

7. Accordingly, this petition is disposed of. Respondents No.2 and 3 are directed to make a detailed enquiry on the complaint filed by the petitioner and if any substance is found regarding commission of cognizable offence against the private respondents in that case FIR be lodged and the case be investigated accordingly.

Sd/-
(Rajendra Chandra Singh Samant)
Judge