

HIGH COURT OF CHHATTISGARH, BILASPUR**WPCR No. 109 of 2019**

Derha Ram Nishad, S/o. Shri Jagdish Nishad, Aged About 34 Years, R/o. Village Khamtarai, Post - Sirpur, Police Station Tumgaon, District Mahasamund, Chhattisgarh.

---- **Petitioner**

Versus

1. State Of Chhattisgarh, Through The Secretary, Department Of Home Affairs, Indravati Bhavan, New Mantralaya, Atal Nagar (New Raipur), Chhattisgarh.
2. Superintendent Of Police, District- Mahasamund, Chhattisgarh.
3. Station House Officer, Police Station- Tumgaon (Chouki Sirpur), District- Mahasamund, Chhattisgarh.

---- **Respondents**

For Petitioner : Shri Devershi Thakur, Advocate

For Respondents/State : Shri Akash Pandey, Panel Lawyer

Hon'ble Shri Justice Goutam Bhaduri**Order On Board**

25/02/2019

Heard.

1. The present petition is for registering the FIR against B.P.N. Sunshine Company and its Directors.
2. It is stated that the petitioner has sent a complaint to the Superintendent of Police, Mahasamund and the S.H.O., Police Station Tumgaon, District Mahasamund, despite that the FIR has not been registered against the company and the persons involved.
3. Learned counsel for the petitioner submits that though different reports were sent but no action has been taken till today.
4. Learned State counsel submits that along with the copy of the complaint different names have been given by the petitioner. It is stated that the petitioner himself has admitted the fact that he was one of the agents, who

allured the other persons to deposit money in the company, therefore, he may be one of the accused.

5. Perusal of the complaint shows that petitioner himself invested the money in the company as also persuaded the other persons to deposit. Therefore, irrespective of the fact the role played by the petitioner, over all reading of the complaint shows that the cognizable offence is reported, therefore, as per the law laid down in the matter of ***Lalita Kumari Vs. Government of Uttar Pradesh and others {(2014) 2 SCC 1}***, the police is obliged to register the FIR and the Police is directed to lodge the FIR. It is further made clear that this Court has not passed any opinion as to the number of persons who have been named in the FIR, it is for the police to investigate, including the role played by the petitioner himself and it is expected that police shall proceed with the enquiry after registration of the FIR against the erring persons and the persons who were in hold of the affairs of the company. It is further made clear that the police officer while registering the FIR shall not be swayed away by the versions of the persons named in the FIR, as it is according to the petitioner itself and the Court has not expressed any opinion on the same.

6. With such observation, the petition stands disposed of.

Sd/-
Goutam Bhaduri
Judge