

HIGH COURT OF CHHATTISGARH, BILASPUR

WPCR No. 40 of 2019

- Moti Lal Sahu, S/o. Late Shri Jagtaram Sahu, Aged About 50 Years, R/o. Village - Chaprid, Post - Samonda, P.S. Arang, District Raipur, 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 Raipur, Chhattisgarh.
3. Police Station Arang, Through Station House Officer, District Raipur, Chhattisgarh.

---- Respondents

For petitioner – Mr. Devarshee Thakur, Advocate.

For State - Mr. R.K. Bhagat, Dy. G.A.

Hon'ble Shri Justice R.C.S. Samant

Order

14/02/2019

1. Heard.
2. The present petition has been brought under Article 226 of the Constitution of India praying for issuance of appropriate direction.
3. It is submitted that the petitioner has been defrauded by the Chitfund Company namely **Garima Groups**, in which he made an investment of Rs. **2,50,000/-** in the various schemes of the Company because of the inducements given by the agents and other persons concerned. False promises were made that the deposited money will be doubled within a short span of time and refunded to the investors.
4. Later on, the schemes in which the petitioner had made deposits were banned by the **SEBI** which has been upheld by the Supreme Court.

5. Therefore, the petitioner is cheated. The petitioner when approached for lodging of an F.I.R., his F.I.R. could not be lodged because of the influence that the Respondent exercised on the Executive Department.
6. Learned State Counsel opposes the petition and submits that this Court is inclined to pass an order to investigate the case. The same shall be investigated accordingly.
7. Keeping in view the ratio laid down by the Hon'ble Supreme Court in **Lalita Kumari Vs. Government of Uttar Pradesh & Others (2014) 2 SCC 1**, I am fully inclined to allow this petition at the motion stage.
8. The petition is allowed and it is directed that the State shall register F.I.R. on the report made by the petitioner and by following the principles laid down in the case of **Lalita Kumari (supra)**, the case shall be investigated in accordance with law.
9. Accordingly, this petition is disposed of.

Sd/-

(R.C.S. Samant)
Judge