

HIGH COURT OF CHHATTISGARH, BILASPUR

WPCR No. 61 of 2019

Ganga Prasad Nishad S/o Late Shri Bisahu Nishad Aged About 70
Years R/o Village Parsada, Post Paloud, P.S. Mandir Hasoud,
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., District : Raipur, Chhattisgarh
3. P.S. Mandir Hasoud through Station House Officer, District- Raipur, Chhattisgarh., District : Raipur, Chhattisgarh --- **Respondent**

For the petitioner : Mr. Anchal Kumar Matre, Advocate

For the State : Ms. Shivali Dubey, Panel Lawyer

Hon'ble Shri Justice Goutam Bhaduri

Order on Board

21.02.2019

1. Heard.
2. The present petition is for registering the FIR against Garima Group of Companies including Garima Homes and Farm House Ltd and Garima Real Estate & Allied Ltd as also its Directors.
3. It is stated that the petitioner has sent a complaint to the Superintendent of Police, Raipur and the S.H.O., Police Station, Mandir Hasaud, Distt. Raipur, despite that the FIR has not been registered against the Company and the persons involved.
4. Learned counsel for the petitioner submits that though different reports were sent but no action has been taken till today instead he was directed to go to lodge the report at Police Station Telibandha, Raipur.

5. Learned State Counsel submits that along with the copy of the complaint as many as 17 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.
6. A perusal of the complaint shows that the 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 perusal 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 expressed 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 the Police shall proceed with the enquiry after registration of the FIR against the erring persons and the persons who were in hold of 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.
7. With such observation, this petition stands disposed of.

Sd/-
GOUTAM BHADURI
JUDGE