

HIGH COURT OF CHHATTISGARH, BILASPUR

WPCR No. 379 of 2017

Shayam Lal Sahu S/o Late Kalaram Aged About 73 Years R/o Ward
No. 10, Near Dak Bangla, Police Station And Tahsil Kota, District
Bilaspur, Chhattisgarh. Complainant, **--- Petitioner**

Versus

1. State of Chhattisgarh through the Secretary Department of Home,
Mantralay Mahanadi Bhawan, New Raipur, District Raipur,
Chhattisgarh.
2. Superintendent of Police, Bilaspur, District Bilaspur, Chhattisgarh.,
District : Bilaspur, Chhattisgarh
3. Station House Officer, Police Station Kota, District Bilaspur,
Chhattisgarh.
4. Mahadev Mishra S/o Narayan Prasad Mishra, Aged About 46 Years
R/o Control Block, Loco Colony, House No. 210/3, Police Station
Torwa, District Bilaspur, Chhattisgarh. At Present R/o Rajkishor
Nagar, Police Station Sarkanda, District Bilaspur, Chhattisgarh. ---

Respondents

For the petitioner : Mr. F. S. Khare, Advocate

For the State : Mr. Chandresh Shrivastava, Dy.G.A.

Hon'ble Shri Justice Goutam Bhaduri

Order on Board

05.03.2019

1. The present petition is against non-registration of FIR despite
the report made by the petitioner that cognizable offence
has been committed by respondent No.4.
2. Learned counsel for the petitioner contends that respondent
No.4 has obtained the amount from the petitioner to provide
the job in Railways, however, the same was not provided.
Eventually when the report was made, the Police cursorily
came out with a reply that on perusal of complaint it reveals
that no cognizable offence is made out, therefore, the

information u/s 155 Cr.P.C., was given.

3. Learned State Counsel opposes the same on the ground that the police has given information u/s 155 of Cr.P.C., therefore necessary remedy would lie u/s 156(3) of Cr.P.C., to file a complaint before the competent Court.
4. Perused the report Annexure P-2 made to the Incharge, Police Station Kota, Distt. Bilaspur wherein it discloses that certain money was obtained by respondent no.4 on the ground of providing employment in Railways. However, subsequently the job was not provided. Annexure P-1 which is a report given by the Police u/s 155 of Cr.P.C., purports that after going through the report it appears that it is internal monetary dispute between the parties, therefore, the FIR was not registered. The Supreme Court in case of ***Lalita Kumari v. Government of Uttar Pradesh (2014) 2 SCC 1*** has laid down that if the information discloses a cognizable offence then it would be mandatory for the Police to register the case and preliminary enquiry is permissible in such situation. The information given by the police vide Annexure P-1 under section 155 of Cr.P.C., shows that after cursorily going through the report the police came to a conclusion that no cognizable offence is made out whereas it appears that a cognizable offence is reported. Therefore when a cognizable offence is reported, the police is bound to register the FIR irrespective of the result and thereafter the police should have conducted the enquiry as necessarily it will take within the sweep of jurisdiction of JMFC concerned once the FIR is registered. Therefore, the police is directed to register the FIR on report made by the petitioner vide

Annexure P-2 and thereafter may follow the procedure laid down in Cr.P.C. It is further made clear that this Court has not expressed any opinion on the merits of the case.

5. With such observation, this petition stands disposed of.

**Sd/-
GOUTAM BHADURI
JUDGE**

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