

HIGH COURT OF CHHATTISGARH, BILASPUR**WPCR No. 96 of 2019**

- Laxmi Prasad Kashyap S/o Ram Lakhan Kashyap Aged About 39 Years R/o Village Birra, Tahsil Champa, District Janjgir Champa, Chhattisgarh

---- Petitioner

Versus

1. State Of Chhattisgarh Through The Secretary, Home Department Mahanadi Bhawan Mantralaya, Atal Nagar Raipur, District Raipur, Chhattisgarh
2. Director General Of Police Raipur, District Raipur, Chhattisgarh
3. Superintendent Of Police Janjgir District Janjgir Champa, Chhattisgarh
4. Collector Janjgir District Janjgir Champa, Chhattisgarh
5. Sub Divisional Officer (Revenue) Tahsil Champa, District Janjgir Champa, Chhattisgarh
6. Tahsildar Champa, District Janjgir Champa, Chhattisgarh
7. Station House Officer Police Station Birra, District Janjgir Champa Chhattisgarh
8. Jagdish Banjare R/o Village Birra, Tahsil Champa, District Janjgir Champa, Chhattisgarh
9. Prahlad Banjare R/o Village Birra Tahsil Champa, District Janjgir Champa, Chhattisgarh
10. Mahendra Pal Banjare R/o Village Birra, Tahsil Champa, District Janjgir Champa, Chhattisgarh
11. Heera Lal Baghel R/o Village Birra, Tahsil Champa, District Janjgir Champa, Chhattisgarh
12. Ramlal Baghel R/o Village Birra, Tahsil Champa, District Janjgir Champa, Chhattisgarh
13. Chand Ram Banjare R/o Village Birra, Tahsil Champa, District Janjgir Champa, Chhattisgarh
14. Pyarelal R/o Village Birra, Tahsil Champa, District Janjgir Champa, Chhattisgarh
15. Jagat Ram R/o Village Birra, Tahsil Champa, District Janjgir Champa, Chhattisgarh
16. Mani Ram R/o Village Birra, Tahsil Champa, District Janjgir Champa,

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17. Shivalal R/o Village Birra, Tahsil Champa, District Janjgir Champa, Chhattisgarh
18. Heera Ram Banjare R/o Village Birra, Tahsil Champa, District Janjgir Champa, Chhattisgarh
19. Dev Prasad Bhardwaj R/o Village Birra, Tahsil Champa, District Janjgir Champa, Chhattisgarh
20. Rohit Bhardwaj R/o Village Birra, Tahsil Champa, District Janjgir Champa, Chhattisgarh
21. Dinesh Banjare R/o Village Birra, Tahsil Champa, District Janjgir Champa, Chhattisgarh

---- Respondents

For Petitioner : Shri CJK Rao, Advocate

For Respondent/State : Ms. Shivali Dubey, Panel Lawyer

Hon'ble Shri Justice Goutam Bhaduri

Order On Board

19/02/2019

1. Heard.
2. The present petition is for non-registration of the FIR against respondents No.8 to 21.
3. Learned counsel for the petitioner submits that respondents No.8 to 21 forcefully entered into the shop of the petitioner and demolished it and despite the report made no FIR is lodged. He referred to Annexure P-2, P-3 & P-4 and submits that the police was bound to register the FIR and investigate the matter.
4. Perused the documents. The following relief has been prayed for by the petitioner :-

“10.1 That, this Hon'ble Court may kindly be pleased to issue a writ (S), order (S), direction (S) by directing the respondent authorities, particularly Station House Officer, Birra (Respondent No. 7) to register the F.I.R. against the offenders (as mentioned in the complaint, Annexure P-2 & P-3), as per Section 154 of Cr. P.C. and the guidelines issued by the Hon'ble Supreme Court of India in the case of *Lalita Kumari Vs. Government of Uttar Pradesh & Others*, in the interest of justice.

10.2 That, this Hon'ble Court may kindly be pleased to call for the records of the matter. as an alternative relief, the petitioner pray that, the matter may kindly be referred to an independent investigation agency for investigating the entire matter.

10.3 Any other relief (s) in form of order or orders and/or direction (s) as your lordships may deem fit and proper.”

5. Considering the allegations made in Annexure P-2, P-3 & P-4, wherein named FIR has been made, therefore, in view of the law laid down in the matter of ***Lalita Kumari Vs. Government of Uttar Pradesh and others {(2014) 2 SCC 1}*** the concerned police shall lodge the FIR and carry out the investigation as prima facie cognizable offence has been reported, therefore, the concerned police authority is directed to register the FIR taking into the nature of the complaint and investigate the same. It is further made clear that this Court has not expressed any opinion on the merits of the case.
6. With such observation, the petition stands disposed of.

Sd/-

Goutam Bhaduri
Judge

Ashu