

HIGH COURT OF CHHATTISGARH, BILASPUR

WPCR No. 114 of 2019

Prateema Kumari Chauhan D/o Gokul Ram Chauhan Aged About 30 Years W/o Manoj Kumar Patel R/o Khudubhatha Police Station Masturi, District Bilaspur, Chhattisgarh. --- **Petitioner**

Versus

1. State of Chhattisgarh through the Collector Bilaspur, District Bilaspur, Chhattisgarh. District : Bilaspur, Chhattisgarh
2. Superintendent of Police District Bilaspur, District : Bilaspur, Chhattisgarh
3. Station House Officer Police Station Masturi, District Bilaspur, Chhattisgarh.
4. Ashwani Tondre Sarpanch Gram Panchayat Khudubhatha, Police Station Masturi, District Bilaspur, Chhattisgarh.
5. Rajesh Yadav Member of Gram Panchayat Khudubhatha, Police Station Masturi, District Bilaspur, Chhattisgarh.
6. Govind Patel Member of Gram Panchayat Khudubhatha, Police Station Masturi, District Bilaspur, Chhattisgarh. --- **Respondents**

For Petitioner : Mr. Yogesh Kumar Chandra, Adv.

For Respondent : Mr. Chandresh Shrivastava, Dy.A.G.

Hon'ble Shri Justice Goutam Bhaduri

Order on Board

05.03.2019

1. By this writ petition filed under Article 226 of the Constitution of India, the petitioner seeks a direction to register FIR against respondents 4 to 6 under the provisions of Scheduled Castes and Scheduled Tribes (Prevention of Atrocities) Act, 1989 and Section 354, 323, 506 of IPC.
2. Learned counsel for the petitioner submits that despite a

report of cognizable offence was made by the petitioner, no FIR has been registered and as per the case law laid down in ***Lalita Kumari v. Government of Uttar Pradesh (2014) 2 SCC 1*** when a report of cognizable offence is made, the FIR should have been registered irrespective of merits of the case.

3. Perused Annexure P-3 which shows that a cognizable offence was reported.
4. Learned State Counsel on instructions submits that till date no FIR has been registered.
5. Considering the Annexure P-3, it is directed that the concerned Police Shall register the FIR as per the case law reported in *Lalita Kumari v. Government of Uttar Pradesh (supra)* and thereafter shall investigate the offence in accordance with law.
6. It is made clear that this Court has not expressed any opinion on the merits of th case the Police is free to enquire into the matter independently.

Sd/-
(GOUTAM BHADURI)
JUDGE