

HIGH COURT OF CHHATTISGARH, BILASPUR

WPCR No. 120 of 2019

Radhika Sonkar W/o Shri Dinbandhu Nishad Aged About 47 Years
R/o Ward No. 14, Village Post & P. S. Fingeshwar District
Gariyaband, 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 Gariyaband, District : Gariyabandh, Chhattisgarh
3. Station House Officer P. S. Fingeshwar District Gariyaband, Chhattisgarh.

--- Respondents

For the petitioner : Mr. Anchal Kumar Matre, Advocate

For the Respondents : Mr. Akash Pandey, Panel Lawyer

Hon'ble Shri Justice Goutam Bhaduri

Order on Board

27.02.2019

1. Heard.
2. The present petition is for registering the FIR against Arogya Dhan Varsha Chit Fund Company including ADV Developers & Allied Ltd. as also its Directors, Core Committee members and others.
3. It is stated that the petitioner has sent a complaint to the Superintendent of Police, Gariyaband and the S.H.O., Police Station, Fingeshwar, Distt. Gariyaband, 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 she 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 18 names have been given by the petitioner. It is stated that the petitioner herself has admitted the fact that she was one of the agents, who allured the other persons to deposit money in the Company, therefore, she may be one of the accused.
6. A perusal of the complaint shows that the petitioner herself 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 accordingly 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 herself. 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