

**HIGH COURT OF CHHATTISGARH, BILASPUR**

**W.P.(CR) No. 171 of 2018**

Anuvibha Toppo, D/o. Pradeep Toppo, Aged About 17 Years, Through Natural Guardian Father Pradeep Toppo, R/o. Street No.1, Qtr. No. 2/B Zone - 3, Sector – 11, Khursipar, Bhilai, District Durg Chhattisgarh.

**---- Petitioner**

**Versus**

1. State Of Chhattisgarh, Through The Secretary, Home Department Mantralaya, Mahanadi Bhawan, New Raipur, District Raipur, Chhattisgarh.
2. Superintendent Of Police, Durg, District Durg Chhattisgarh.
3. Additional Superintendent Of Police, Durg, District Durg, Chhattisgarh.
4. Station House Officer, Bhilai - 3, District Durg Chhattisgarh.
5. Station House Officer, Purani Bhilai, District Durg, Chhattisgarh.
6. Santosh Reddy, S/o. M. Naga Reddy, Aged About 25 Years, R/o. Qtr. No. 11/F, Street No.1, Zone - 3, Khursipar, Bhilai, District Durg, Chhattisgarh.

**---- Respondents**

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 For Petitioner : Smt. Hamida Siddiqui, Advocate  
 For State : Mr. Ghanshyam Patel, Govt. Advocate.  
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**Hon'ble Shri Justice Goutam Bhaduri**

**Order On Board**

**22.02.2019**

Heard

1. It is contended that the present petition is against the non-action of the police to register the FIR. Reading of Annexure P-3 would show that cognizable offence under Section 354-B of I.P.C. read with other sections of POCSO Act has been made out.
2. Learned counsel for the petitioner submits that despite the respondent No.6, Santosh Reddy, was earlier convicted on 18.04.2017 thereafter he was enlarged on bail on 18.05.2017 in Criminal Appeal No.791/2017, again he has committed the same offence and has entered into the School of the victim and has harassed the victim who is minor. However, when the report was made, the police has only registered the offence under Section

107 & 116 of Cr.P.C. therefore, the police has failed in his duty to register the FIR.

3. Respondent No.6, Santosh Reddy, against whom the complaint is made though served but no appearance was made.
4. Perused the document Annexure P-3 which is made by the Principal of the School wherein the allegations have been made against the respondent No.6 that he entered into the School and has misbehaved with the minor girl. Also perused the document Annexure P-4. After reading the same, it appears that *prima facie* cognizable offence was reported by the Principal of the School against the respondent No.6. Taking into such fact and the law laid down by the Supreme Court in case of ***Lalita Kumari v. Government of Uttar Pradesh and Others (2014) 2 SCC 1***, since the cognizable offence is reported, the police is bound to register the FIR. Accordingly, it is directed that the concerned police shall forthwith register the FIR and complete the investigation within a reasonable time in accordance with law.
5. With such observation, the petition stands disposed off.

Ashok

Sd/-  
(Goutam Bhaduri)  
Judge