

HIGH COURT OF CHHATTISGARH, BILASPUR**WPCR No. 380 of 2017**

Bhola Ram Yadav S/o Shri Raja Ram Yadav, Aged About 58 Years
 R/o Village Karumahu, Post Arjuni, Tashil Akaltara, District Janjgir
 Champa Chhattisgarh. **--- Petitioner**

Versus

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

For the applicant	:	Mr. F.S. Khare, Advocate.
For the State	:	Mr. Chandresh Shrivastava, Dy.A.G.

Hon'ble Shri Justice Goutam Bhaduri

Order on Board

05.03.2019

1. The present petition is filed against non-registration of the FIR despite the report made on 20.07.2016 by the petitioner that cognizable offence has been committed by respondent No.4.
2. It is alleged that respondent No. 4 had obtained certain amount from petitioner to provide job in Indian Railways but no employment was provided. It is contended that despite the lodging the report by the petitioners, no FIR was registered and the concerned Police have privately disclosed that no offence is made out.

3. Prima facie reading of the complaint Annexure P-1 dated 20.07.2016 would reveal that cognizable offence is made out. As per the principles laid down by the Supreme Court in ***Lalita Kumari v. Government of Uttar Pradesh (2014) 2 SCC 1***, when the cognizable offence is reported, the police shall be obliged to register the offence and investigate into the matter. Consequently the respondent Police Authorities are bound to register the FIR as necessarily once the FIR is registered, it has to be routed through the Magistrate and privately the cognizable offence cannot be closed at the behest of the police. Therefore, the police is directed to register the FIR and make enquiry by following the procedure laid down in Cr.P.C.
4. It is made clear that this Court has not expressed any opinion on the merits of the case.
5. With the above observation/direction, this petition is disposed of.

Sd/-
GOUTAM BHADURI
JUDGE