

NAFR

HIGH COURT OF CHHATTISGARH, BILASPUR

W.P.(CR.) No. 186 of 2019

1. Shankar Lal Agrawal, S/o. Late Shri Ram Krishna Agrawal, Aged About 56 Years, R/o. Infront Of Surya Bhawan, Near Gandhi Chowk, Main Road, Juna Bilaspur, Bilaspur Police Station - City Kotwali, Tehsil And District Bilaspur Chhattisgarh.
2. Vivek Kumar Agrawal, S/o. Shri Shankar Lal Agrawal, Aged About 33 Years, Occupation - Advocate, R/o. Infront Of Surya Bhawan, Near Gandhi Chowk, Main Road, Juna Bilaspur, Bilaspur, Police Station City Kotwali, Tehsil And District Bilaspur Chhattisgarh.

----- Petitioners

Versus

1. State Of Chhattisgarh, Through : Secretary, Department Of Home (Police), Mahanadi Bhawan, Naya Raipur, Revenue and Civil District Raipur Chhattisgarh.
2. Inspector General of Police, Bilaspur Range, Bilaspur District Bilaspur Chhattisgarh.
3. Superintendent Of Police, Janjgir Champa, District Janjgir Champa Chhattisgarh.
4. Station House Officer Baloda, District Janjgir - Champa Chhattisgarh.

-----Respondent

For Petitioners	: Mr. Surfaraj Khan, Advocate
For Respondent/State	: Mr. Ghanshyam Patel, G.A..

Hon'ble Shri Justice Rajendra Chandra Singh Samant

Order On Board

16/09/2019

1. The instant petition under Article 226 of Constitution of India has been filed for issuance of appropriate direction .

2. It is submitted by the learned counsel for the petitioners that the petitioners have filed a complaint vide Annexure P-1 to the respondent No.4 alleging that the property which was received by the petitioners in their share from the joint family property has been sold by one Vishnukant Agrawal on the basis of forged documents in connivance with the Revenue Officers and the Registration Officers in a fraudulent manner. Therefore, the offence under Section 420, 467, 468, 471 and 120-B of the Indian Penal Code is made out. Similar complaint was given to the respondent No.3 also but no action has been taken on the complaint made by the petitioners. Whereas, there is direct allegation regarding the commission of cognizable offence. Therefore, it is prayed that In view of guidelines laid down by the Hon'ble Supreme Court in case of ***Lalita Kumari Vs. Government of Uttar Pradesh & Others***, reported in ***(2014) 2 SCC 1***, appropriate order be passed for.

2. Learned counsel for the State/respondents opposes the submissions made and the grounds raised in the petition. It is submitted that according the information received some preliminary enquiry has been made by the police on the complaint given by the petitioners, but the same is not available at present. Therefore, time may be given.

3. I have heard the learned counsel for the parties and perused the documents placed on record.

4. The allegation made by the petitioners is very clear and needs to be enquired in detail, therefore, keeping in view the direction given by the Hon'ble Supreme Court in case of ***Lalita Kumari Vs. Government of Uttar Pradesh & Others (supra)***, I feel inclined to dispose of this petition with direction.

5. According this petition is disposed off at motion stage and the respondents No.3 and 4 are directed to make enquiry on the complaint made by the petitioners and in case, it is found a cognizable offence has been committed, then FIR be registered accordingly.

Sd/-
(Rajendra Chandra Singh Samant)
Judge