

NAFR

HIGH COURT OF CHHATTISGARH, BILASPUR

W.P.(Cr.) No. 281 of 2019

- Smt. Chitra W/o Shri Anand Kumar Jaiswal Aged About 53 Years R/o Village Katgi, Tehsil- Kasdol, District- Baloda Bazar, Chhattisgarh.

---- Petitioner

Versus

1. State Of Chhattisgarh Through the Secretary, Home and Police Department, Mantralaya, Naya Raipur, Atal Nagar, Raipur, Chhattisgarh.
2. Superintendent Of Police, Police Thana Kasdol, Tehsil Kasdol, District Baloda Bazaar, Chhattisgarh.
3. Officer In Charge Of Police Station Thana Kasdol, Tehsil- Kasdol, District- Baloda-Bazaar, Chhattisgarh.

---- Respondents

For the Petitioner : Mr. Pragyaditya Acharya and Ms. Juhi Jaiswal,
Advocates.

For the Respondents/State : Ms. Akanksha Jain, Dy. G.A.

Hon'ble Shri Justice Rajendra Chandra Singh Samant

Order on Board

19-08-2019

Heard.

1. It is submitted by the learned counsel for the petitioner that the petitioner has filed a complaint before the Superintendent of Police, District Baloda Bazar, Bhatapara and also before the Station House Officer, Police Station Kasdol vide Annexure-P/1 on which the police has neither taken any action nor lodged any FIR. The petitioner has an order in her favour vide Annexure-P/3 which was passed by the Court of Sub-Divisional Officer, Kasdol, District Baloda Bazar in which it has been held that the respondents have no legal right to take possession on the disputed land and also a finding has been given that the petitioner is under rightful and legal possession of the disputed land.

Despite these observations of the Court concerned, the persons concerned are engaged in abusing, threatening and interfering with the construction that is going on, on the disputed land. Therefore, relying on the judgment of the Supreme Court in the case of **Lalita Kumari Vs. State of Uttar Pradesh And Others**, reported in **(2014) 2 SCC 1**, it is prayed that the respondents be directed to take action on the complaint made by the petitioner and also to provide her police protection.

2. Learned counsel for the State/respondents opposes the submissions and the grounds raised in the petition and submits that the complaint filed by the petitioner is very vague, without specific details, therefore, on this basis, the respondents are unable to lodge any FIR and proceed accordingly. It is also submitted that this petition is without any substance.
3. Heard learned counsel for the parties and perused the documents.
4. Hon'ble the Supreme Court in **Lalita Kumari Vs. State of Uttar Pradesh And Others**, reported in **(2014) 2 SCC 1**, it has held that in paragraph 120.2:

'120.2: If the information received does not disclose a cognizable offence but indicates the necessity for an inquiry, a preliminary inquiry may be conducted only to ascertain whether cognizable offence is disclosed or not.'

5. In view of the complaint filed by the petitioner it can be said that she has a grievance against the person complained of. The complaint given does not disclose specific date, time and the persons victimized, therefore, it is a case where it appears that an enquiry can be made to ascertain whether on the basis of the complaint made by the petitioner, the commission of cognizable offence is made out or not and that may be helpful in remedying the petitioner from the harassment she is facing. Therefore, the petition is allowed at the motion stage and disposed of

with the following direction:

'Respondents are directed to make an enquiry in the complaint filed by the petitioner and do the needful in accordance with law.'

6. Accordingly, the petition is disposed of.

Sd/-
(Rajendra Chandra Singh Samant)
Judge

Nimmi