

HIGH COURT OF CHHATTISGARH, BILASPUR

WPCR No. 283 of 2019

- Rajkumar Mishra S/o Late Ganesh Prasad Mishra Aged About 48 Years R/o Haldibadi, Chirmiri, Thana- Chirmiri, Tahsil- Khadgawa, District- Koriya, Chhattisgarh, E-Mail-Rtichrm@Gmail.Com, Mobile No. 7999393315, W.App 9406363699, District : Koriya (Baikunthpur), Chhattisgarh

---- Petitioner

Versus

1. State Of Chhattisgarh Through- Thana Prabhari, Charcha, District- Koriya, Chhattisgarh.
2. Police Adhikashak, Koriya, Chhattisgarh, E-Mail Sp.Korea@Nic.
3. Police Mahanirishak, Surguja Range, Ambikapur, Chhattisgarh, E-Mail lgp.Surguja@Yahoo.Com.

---- Respondents

For Petitioner	:	Petitioner in person.
For State/respondent	:	Shri Devendra Pratap Singh, Dy. Adv. General.

Hon'ble Shri Justice Rajendra Chandra Singh Samant

Order On Board

29/07/2019

Heard.

1. This petition under Article 226 of Constitution of India has been filed for issuance of direction against the respondent authorities to register FIR on the complaint made by the petitioner.
2. The petitioner appearing in person submitted that he is a RTI activist. On application being filed under the Right to Information Act, 2005 seeking certain information, he has been informed that in connection with the tour programme of one of the Lordships of this Court, one vehicle was hired by the Officers of the concerned District and though the said vehicle was not plied on road for more

than 125 km, but bill was raised for 450 km and thereby loss was caused to the State ex-chequer, which amounts to an offence punishable under Section 409 of IPC. Thereafter the petitioner filed a complaint in the Police Station Charcha, District-Korea, but no action has been taken on it, whereas the Inspector General of Police, Surguja Range had directed the Superintendent of Police, District-Korea to take action on the said complaint. Reference is made to the judgment of the Supreme Court in the matter of ***Lalita Kumari vs. Government of Uttar Pradesh and Others***, reported in **(2014) 2 SCC 1**. Hence, it is prayed that direction be issued to the respondents to register FIR.

3. Learned for respondents opposes the grounds raised in the petition and the submissions made in this respect. It is submitted that according to the complaint filed, no case is made out regarding the commission of any cognizable offence. Complaint filed by the petitioner is misconceived and without any basis. Hence, the petition be dismissed at the motion stage itself.
4. I have heard both the parties and perused the documents on record.
5. After considering on the submissions made by the petitioner appearing in person and the State Counsel and on perusing the complaint filed, I am of this view that the allegations made in the complaint need to be inquired to find out whether it is a case of criminal prosecution or departmental action against the person concerned, keeping in view the directions given by the Hon'ble Supreme Court in Lalita Kumari's case (supra).
6. Accordingly, the petition is disposed off with a direction to the respondent Nos.2 & 3 to conduct an inquiry on the complaint filed by the petitioner to ascertain as to whether there is substance available to make out commission of any cognizable offence or whether there is substance to make out a case for departmental action against the person concerned. Further, it is directed that this inquiry be completed expeditiously, preferably within a period of 6 months from the date of passing of this order.

Sd/-
(**Rajendra Chandra Singh Samant**)
JUDGE