

HIGH COURT OF CHHATTISGARH, BILASPUR

W.P.Cr. No. 376 of 2019

- Smt. Debolina Das Biswas W/o Pushkar Das Aged About 30 Years S/o Pradeep Kumar Das R/o B- 607, Avinash Pride, Hirapur, Raipur, Tehsil And District Raipur Chhattisgarh

---- Petitioner

Versus

1. State Of Chhattisgarh Through The Secretary, Home Department, Mahanadi Bhawan, Mantralaya, New Raipur, District Raipur Chhattisgarh
2. Superintendent Of Police Civil Line Raipur, District Raipur Chhattisgarh
3. Station House Officer, Mahila Thana, Byron Bazar Road, Near Aashirwad Bhawan, Janta Colony, Raipur District Raipur Chhattisgarh
4. Pushkar Das S/o Pradeep Kumar Das Aged About 32 Years R/o 232, Krishnapur, Road, (West) Sitalatala, Mahendra Nagar, Post Office Natagarh, Police Station Ghola, Sodepur, District North 24 Pargana, Kolkata (W.B) 700113 (Husband)
5. Pradeep Kumar Das S/o Late Prantosh Kumar Das Aged About 64 Years R/o 232, Krishnapur, Road, (West) Sitalatala, Mahendra Nagar, Post Office Natagarh, Police Station Ghola, Sodepur, District North 24 Pargana, Kolkata (W.B) 700113 (Father In Law)
6. Anima Das W/o Pradeep Kumar Das Aged About 54 Years R/o 232, Krishnapur, Road, (West) Sitalatala, Mahendra Nagar, Post Office Natagarh, Police Station Ghola, Sodepur, District North 24 Pargana, Kolkata (W.B)70011
7. Neelima Sarkar W/o Anil Sarkar Aged About 56 Years R/o 232, Krishnapur, Road, (West) Sitalatala, Mahendra Nagar, Post Office Natagarh, Police Station Ghola, Sodepur, District North 24 Pargana, Kolkata (W.B) 70011 (Mother-in-law)

---- Respondents

For Petitioner : Shri Avinash Kumar Mishra, Advocate.

For State/Respondents 1 to 3 : Shri Priyanshu Gupta, Panel Lawyer.

Hon'ble Shri Justice Rajendra Chandra Singh Samant
Order on Board

01-10-2019

Heard.

1. Instant petition is against non-registration of the FIR by the police despite the complaints made by the petitioner.
2. The petitioner has sought for the following reliefs:-
 - That, this Hon'ble Court may kindly be pleased to allow the writ petition and be pleased to direct the respondent No.2 and 3 to register the cognizable offence against the respondent No.4 to 7 according to the direction given by Apex Court.
 - That, the Hon'ble Court may kindly be pleased to call for the entire records.
 - Any other relief, which this Hon'ble Court may deem fit and proper, may also be passed in favour of the petitioner together with cost of the petition.
3. Learned counsel for the State opposes the petition.
4. Heard learned counsel for the parties present and perused the documents.
5. As Hon'ble the Supreme Court in the matter of ***Lalita Kumari Vs. Government of Uttar Pradesh & Others***, (2014) 2 SCC 1 held that:-

“**120.** In view of the aforesaid discussion, we hold:

120.1. The registration of FIR is mandatory under Section 154 of the Code, if the information discloses commission of a cognizable offence and no preliminary inquiry is permissible in such a situation.

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.”

Therefore, on this basis it is found that this is a case wherein an order can be passed for making an inquiry on the complaints filed by the petitioner.

6. Accordingly, this petition is disposed off at motion stage with following direction:-

(1) Respondents 2 and 3 are directed to make an inquiry in complaints filed by the petitioner and if any substance is found in the complaints, then they are further directed to take needful action accordingly.

Sd/-

(Rajendra Chandra Singh Samant)
Judge

Monika