

NAFR

HIGH COURT OF CHHATTISGARH, BILASPUR

WPCR No. 367 of 2019

Reshma Bano W/o Irshad Ali Aged About 28 Years R/o Subhash Nagar
Maudahapara, Police Station Ganj Raipur, District Raipur, Chhattisgarh.

---- Petitioner

Versus

1. Director General Of Police Head Quarter New Raipur, Police Station Rakhi, District Raipur, Chhattisgarh.
2. Police Station Ganj Raipur, Through Officer In Charge, District Raipur Chhattisgarh.
3. The Superintendent Of Police Bilas, District Raipur Chhattisgarh.
4. Parvej S/o Late Rahmat Ali Aged About 32 Years R/o Subhash Nagar, Maudahapara Police Station Ganj Raipur Raipur District Raipur Chhattisgarh.
5. Smt. Mubbo W/o Late Rahmat Ali Aged About 45 Years R/o Subhash Nagar, Maudahapara Police Station Ganj Raipur Raipur District Raipur Chhattisgarh.
6. Smt. Saba W/o Parvej R/o Subhash Nagar, Maudahapara Police Station Ganj Raipur Raipur District Raipur Chhattisgarh.
7. Anisuddin R/o Village Birgaon Police Station Urla Raipur District Raipur Chhattisgarh.
8. Ajharuddin @ Ajju R/are Birgaon Police Station Urla Raipur District Raipur Chhattisgarh.
9. Munna Khan R/o Village Birgaon Police Station Urla Raipur District Raipur Chhattisgarh.
10. Suddu Bawa R/o Village Birgaon Police Station Urla Raipur District Raipur Chhattisgarh.

---- Respondents

For the Petitioner	:	Shri Badruddin Khan, Advocate.
For the State	:	Shri Devendra Pratap Singh, Deputy Advocate General.

Hon'ble Shri Justice Rajendra Chandra Singh Samant

Order on Board

06-08-2019

1. This writ petition has been brought under Article 226 of the Constitution of India praying for issuance of appropriate writ.

2. It is submitted by the learned counsel for the petitioner that the petitioner has filed a complaint against the private respondents No.4 to 10 before the respondent No.2, i.e., Police Station- Ganj, Raipur through Officer-in-charge, District- Raipur, (C.G.), complaining regarding the commission of offence on 31.05.2019. Respondent Nos. 1 to 3 have not made any inquiry and not lodged any F.I.R. against the Respondents No.4 to 10 till date. Hence, relief of issuance of Writ of Mandamus is prayed for.

3. Learned counsel for the State/respondents No.1 to 3 opposes the submissions and the grounds raised in the petition and submits that the petitioner has opportunity to approach the higher authority of the police as it is provided under Section 154 (3) of Cr.P.C., instead of that he has directly approached this High Court. Hence, this petition is not maintainable.

4. Heard learned counsel for the parties and perused the documents.

5. There is no restraint that the petitioner cannot approach the High Court directly.

6. On perusal of the copy of complaint (Annexure- P/1), the matter needs an inquiry to find out whether there is substance for lodging F.I.R. in this case or not, as the respondents No.1 to 3 have been reluctant to take any action so far, therefore, keeping in view, the guidelines laid down in the case of **Lalita Kumari Vs. State of Uttar Pradesh And Others**, reported in **(2014) 2 SCC 1**, this petition is disposed of.

7. Respondents No.1 to 3 are directed to make an inquiry on the complaint filed by the petitioner for the purpose of ascertaining whether the case is made

out for lodging of F.I.R. or not, if it has not been inquired earlier, and thereafter, if a case is made out for commission of cognizable offences then FIR be lodged and the case be investigated.

8. Accordingly, the petition is disposed of.

Sd/-

(Rajendra Chandra Singh Samant)
Judge

Nimmi