

HIGH COURT OF CHHATTISGARH, BILASPUR

W.P.Cr. No. 371 of 2019

- Vikas Agrawal S/o Late Shri Mali Ram Agrawal Aged About 46 Years R/o Samaya Beauty Parlour, Behind Ram Dev Rice Mill, Mungeli Raod, Bilaspur, Police Station Civil Line Bilaspur District Bilaspur Chhattisgarh

---- Petitioner

Versus

1. State Of Chhattisgarh Through The Secretary, Department Of Home, Mantralaya Mahanadi Bhawan, Naya Raipur, District Raipur Chhattisgarh
2. The Director General Of Police, Office of the Director General of Police, Naya Raipur District Raipur Chhattisgarh
3. The Inspector General Of Police Bilaspur, District Bilaspur Chhattisgarh
4. The Superintendent Of Police Bilaspur, District Bilaspur Chhattisgarh
5. Station House Officer Police Station Sarkanda, District Bilaspur Chhattisgarh
6. Anoop Agrawal S/o Late Shri Mali Ram Agrawal Aged About 49 Years R/o A- 249, House Of Shri Nidhish Choubey near Om Kareshwar Mandir, Ageya Nagar, Bilaspur District Bilaspur Chhattisgarh
7. Kamal Kishore Kaushik S/o Shri Kashi Ram Kaushik Occupation The Then Patwari, Patwari Halka No.20/32, Sarkanda Ra.Ni.Ma.And Tahsil Bilaspur R/o Om Nagar Jarhabhata Beside Gali Of Ambedkar Community Hall And Raju Kirana Store Police Station Civil Line, Bilaspur District Bilaspur Chhattisgarh
8. Saleem Khan S/o Dowli Khan Occupation Private Typist, Land Acquisition Branch, Tahsil Bilaspur, District Bilaspur Chhattisgarh R/o Masjid Gali Masan Ganj Bilaspur, District Bilaspur Chhattisgarh
9. Laxman Prasad Dewangan S/o Late Bhagwati Prasad Dewangan Aged About 47 Years Assistant Manager, District Co-Operative Bank, Badi Bazar, Chirmiri Head Office Zila Sahakari Bank Ambikapur, District Surguja Chhattisgarh R/o Ward No.18, Azad Ward, Civil Line, Manendragarh, Tahsil And District Korea Chhattisgarh
10. Smt. Deepa Dewangan W/o Shri Laxman Prasad Dewangan Aged About 43 Years R/o Ward No. 18, Azad Ward, Civil Line, Manendragarh, Tahsil And District Korea Chhattisgarh

---- Respondents

For Petitioner : Shri A.S. Rajput, Advocate.
For State/Respondents 1 to 3 : Shri Devendra Pratap Singh, Dy.A.G.

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 issue a suitable writ or writs, order or orders by directing the respondent No.2 to 5 to register the F.I.R. of cognizable offence against the respondent No.6 to 10 and other persons who participated in the above offence and further investigate the matter according to the direction given by Hon'ble Supreme Court in the matter of Lalita Kumari Vs. Govt. of U.P. and others.
- Any other relief/reliefs which may deem fit and proper in the facts and circumstances of the case, may also be allowed.

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 to 5 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