

NAFR

HIGH COURT OF CHHATTISGARH, BILASPUR

W.P.(Cr.) No. 401 of 2019

- Smt. Sushila Manikpuri W/o Shri Laxman Das Manikpuri, Aged About 53 Years, R/o Village Ramdai (Sagarpar) Shish, Police Station Ratanpur, District- Bilaspur, Chhattisgarh

---- Petitioner

Versus

1. State Of Chhattisgarh, Through The Secretary, Home Department, Mahanadi Bhavan, Mantralaya, Atal Nagar, Raipur, District- Raipur, Chhattisgarh
2. Station House Officer Police Station Ratanpur, District- Bilaspur, Chhattisgarh
3. Dharmendra Das S/o Bhuwan Das, Aged About 30 Years, R/o Shish Kosabadi, Police Station Ratanpur, District- Bilaspur, Chhattisgarh

---- Respondent

For Petitioner	: Mr. Basant Kaiwartya and Mr. Govind Ram Miri, Advocates.
For Respondent Nos. 1 & 2/State	: Mr. Ghanshyam Patel, Government Advocate.

Hon'ble Shri Justice Rajendra Chandra Singh Samant

Order on Board

03-07-2019

Heard.

1. It is submitted by the learned counsel for the petitioner that the petitioner has filed a complaint against the private respondent No.3 before the respondent No.2, i.e., Station House Officer, Police Station- Ratanpur, District- Bilaspur, (C.G.), complaining regarding the commission of offences of cheating and threatening on 21.06.2018. Respondent Nos. 1 & 2 have not made any inquiry or not lodged any F.I.R. against the Respondent No.3 till date. Hence, relief of issuance of Writ of Mandamus is prayed for.
2. Learned counsel for the State/respondent Nos.1 & 2 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.

3. Heard learned counsel for the parties and perused the documents.
4. There is no restraint that the petitioner cannot approach the High Court directly.
5. 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 respondent No.1 & 2 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.
6. Respondent No.1 & 2 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.
7. Accordingly, the petition is disposed of.

Sd/-
(Rajendra Chandra Singh Samant)
Judge