

HIGH COURT OF CHHATTISGARH, BILASPUR

W.P.(Cr.) No. 471 of 2019

- Smt. Bhemin Bai W/o Shri Pramod Sahu, Aged About 34 Years, D/o Shri Ramcharan Sahu, R/o Street No.2, Mitan Chowk, Subhash Nagar, Kelabadi, Durg, Chhattisgarh

---- Petitioner

Versus

1. State Of Chhattisgarh Through The Superintendent Of Police, District- Durg, Chhattisgarh
2. The Station House Officer, Police Station Mahila Thana, Bhilai, District- Durg, Chhattisgarh
3. The Station House Officer, Police Station- Sarkanda, Bilaspur, Chhattisgarh

---- Respondents

For Petitioner	:	Mr. Dinesh Tiwari, Advocate.
For State/respondents	:	Mr. Ghanshyam Patel, Govt. Advocate.

Hon'ble Shri Justice Rajendra Chandra Singh Samant

Order on Board

16-07-2019

Heard.

1. This petition has been brought praying for issuance of an appropriate writ.
2. Learned counsel for the petitioner submits that the petitioner is presently residing in Durg and it is therefore she had lodged F.I.R. in Mahila Thana, Bhilai, District- Durg, which is registered as Crime No. 417/19 and then transferred to Police Station- Sarkanda, Bilaspur. It will be for convenience of the petitioner that the crime registered as 417/19 may be transferred back to Mahila Thana, Bhilai, District- Durg. Reliance has been placed on the judgment of Supreme court In ***Rupali Devi Vs. State of Uttar Pradesh (Cr. Appeal No. 71 of 2012)***.

3. Learned counsel for the State opposes the petition.
4. Considered on the submissions made by both the parties and also perused the documents filed along with the petition and the offence that has been registered against the accused persons under Section 498A of I.P.C., the petitioner in this case resides at Durg and only for the reason that the accused persons in this case are residents of Bilaspur, the crime registered has been transferred to Bilaspur for investigation, the propriety of which cannot sustain in view of the law laid down in the case of ***Rupali Devi Vs. State of Uttar Pradesh (Supra)***. Therefore, I feel inclined to allow this petition with following directions:-

(a) Crime No. 417/19 registered at Police Station-Sarkanda, Bilaspur is previously registered at Police Station Mahila Thana, Bhilai, District- Durg, be transferred for investigation purposes and for further proceedings to the Mahila Thana, Bhilai, District- Durg i.e. Respondent No.2.

5. Accordingly, this petition is disposed off.

Certified copy today.

Sd/-
(Rajendra Chandra Singh Samant)
Judge