

NAFR

HIGH COURT OF CHHATTISGARH, BILASPUR

W.P.(CR.) No. 535 of 2019

1. Gayatri Khute, W/o. Shri Suresh Khute, Aged About 30 Years, R/o. Village Kishanpur, Police Station and Tehsil Pithora, District Mahasamund Chhattisgarh.
2. Suresh Khute, S/o. Shri Madhu Khute, Aged About 34 Years, R/o. Village Kishanpur, Police Station and Tehsil Pithora, District Mahasamund Chhattisgarh.

---- Petitioners

Versus

1. State Of Chhattisgarh, Through : Secretary, Department of Home Affairs (Police) Mahanadi Bhawan, Naya Raipur, District Raipur Chhattisgarh.
2. Director General of Police Raipur, District Raipur Chhattisgarh.
3. Inspector General of Police Raipur, Range, District Raipur Chhattisgarh.
4. Supeintendent Of Police Mahasamund, District Mahasamund Chhattisgarh.
5. Station House Officer, Police Station Pithora, District Mahasamund Chhattisgarh.

---- Respondents

For Petitioner	: Mr. Surfaraj Khan, Advocate
For Respondents/State	: Mr. Devendra Pratap Singh, Dy.A.G.

Hon'ble Shri Justice Rajendra Chandra Singh Samant

Order on board

03/09/2019

1. This petition under Article 226 of the Constitution of India has been brought for issuance of appropriate direction to the respondents authorities.

2. It is submitted that the incident had taken place on 31.05.2018 in Village- Kishanpur, in which four persons were done to death by unknown persons. Later on one accused Dharmendra Bariha has been arrested and detained and the charge-sheet was filed in the same case by Police Station – Pithora, before the Court having jurisdiction.
3. Petitioner No.2 was elected Sarpanch of Gram Panchayat Kishanpur, who had subsequent to this incident of blind murder of four persons had initiated a movement against the Police Station for not properly investigating the case. The Police has then in vindictive manner, registered offence under Crime No.39/2019 for offence under Section 420 of the Indian Penal Code and arrested and detained him. Thereafter, he has also been arrested in crime No.87/2018 for offence under Section 457, 458, 460, 396, 302 and 201 of the Indian Penal Code, which is the same case of four murder. The case against the petitioner No.2 is totally concocted, therefore, it is prayed that fair enquiry be made in the case against the petitioner No.2 and on the complaint given by the petitioner No.1 to respondent No.3 and 4.
4. State counsel submits that one of the co-accused has made statement against the respondent No.2, when he was examined in Narco Analysis Test. The investigation in this case is going on and the report for scientific proof regarding finger prints and DNA etc. are awaited, therefore, the police is already alert in making

investigation in the best manner. Hence, there is no requirement for ordering any enquiry.

5. In reply, it is submitted that the Police action against the petitioner No.2 is revengeful and therefore, at least an enquiry be made by Inspector General of Police.
6. I have heard the learned counsel for the parties and perused the documents placed on record.
7. On perusal of the documents filed along with the petition and also the case diary produced before the Court by the State counsel, I am of this opinion that the investigation is going on in right direction. The petitioner No.2 may raise the grounds in defence, which he has raised before this Court in this petition and on this basis, the authority making investigation, should not be asked to do any enquiry with respect to the proposed defence of the petitioner No.2. Therefore, I am of this opinion that this is not a fit case for grant of any relief as envisaged under Article 226 of the Constitution of India.
8. Accordingly, the petition has no merit and it is dismissed at the motion stage itself.

Sd/-
(Rajendra Chandra Singh Samant)
Judge