

**NAFR**

**HIGH COURT OF CHHATTISGARH, BILASPUR**

**W.P.(CR.) No. 555 of 2019**

Akshay Raj Netam, S/o. Late Khemraj Netam, Aged About 30 Years, House No. 97, Srishti Colony, Rajnandgaon, District Rajnandgaon, Chhattisgarh.

**---- Petitioner**

***Versus***

1. State of Chhattisgarh, Through : Secretary, Department of Home, Mahanadi Bhawan, Mantralaya, Naya Raipur, Chhattisgarh
2. Superintendent of Police, District Durg, Chhattisgarh
3. Superintendent of Police, District Gariyaband, Chhattisgarh
4. Superintendent of Police, District Rajnandgaon, Chhattisgarh
5. Divya Das, W/o. Akshay Raj Netam, Aged About 28 Years, R/o. House No. 3B, Street No. 39, Sector 8, Bhilai Tehsil and District Durg, Chhattisgarh

**---- Respondents**

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| For Petitioner        | : Mr. Priyank Rathi, Advocate |
| For Respondents/State | : Mr. Arijit Tiwari, P.L..    |

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**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 respondent No.5, the wife of the petitioner has lodged FIR in Mahila Thana, Durg against the petitioner and

others, which has been registered as Crime No.52 of 2019 for offence under Section 498A read with Section 34 of the Indian Penal Code. It is submitted that simultaneously, the respondent No.5 has filed a complaint in similar nature in the Police Station – Gariyaband and Rajnandgaon. The Police Station – Mahila Thana, Durg is competent to investigate the case, therefore, the applicant is getting harassed because of the parallel investigation done by the police station Gariyaband and Rajnandgaon. On this basis, it is prayed that appropriate order be passed.

3. State counsel appeared for respondents No.1 to 4 submits that although the complaints are filed in Police Station in Durg, Gariyaband and Rajnandgaon, however, no enquiry and the investigation is being done in the same, therefore, the petition is without any substance.
4. Respondent No.5 is unrepresented.
5. I have heard the learned counsel for the parties and perused the documents placed on record.
6. Considering the submission made by the counsel appearing from both the sides and perused the documents present on record of this petition.
7. Counsel for the petitioner has placed reliance on the judgment of Supreme Court in ***Upkar Singh Vs. Ved Prakash & Ors***, in Appeal (Cri) No.411 of 2002, decided on 10.09.2004 and in case

of ***T.T. Antony Vs. State of Kerala & Ors***, in Appeal (Cri.) No. 689 of 2001, decided on 12<sup>th</sup> July, 2001.

8. It is observed that, if the complaint made by the respondent No.5 in Police Station Gariyaband and Rajnandgaon are of similar nature making similar allegation and alleging commission of similar offence apart from the complaint that has been filed in Police Station – Mahila Thana, Durg in that case it should be investigated only one of the Police Station, therefore, on this basis, this petition is disposed off with following directions :-

(1) The respondents No.1 to 4 are directed that if the complaint filed by the respondent No.5 to respondent No.3 and 4 are of similar nature and alleging commission of similar offences in that case, the investigation shall be made only within the jurisdiction of respondent No.2. However, the respondents No.3 and 4 shall be at liberty to enquire and investigate the complaint, if it is found that the complaint present before them are different in nature.

9. With the aforesaid directions, the petition is disposed off.

**Sd/-**  
**(Rajendra Chandra Singh Samant)**  
Judge