

HIGH COURT OF CHHATTISGARH, BILASPUR

W.P.(Cr.) No. 570 of 2019

- Santosh Singh S/o Late Shri Beer Singh Aged About 33 Years Caste Gond, R/o Village Khadgawan, Tehsil And Police Station Khadgawan, District Koriya Chhattisgarh

---- Petitioner

Versus

1. State Of Chhattisgarh Through The Secretary, Ministry Of Home Affairs, Mantralaya, Mahanadi Bhawan, Atal Nagar, Raipur District Raipur Chhattisgarh
2. Superintendent Of Police Koriya (Baikunthpur) District Koriya Chhattisgarh
3. Station House Officer, Police Station Khadgawan, District Koriya Chhattisgarh
4. Rajeshwar Prasad Shrivastava S/o Parmeshwar Lal Shrivastava Aged About 68 Years
5. Anil Shrivastava S/o Rajesh Prasad Shrivastava Aged About 45 Years
6. Ashok Shrivastava S/o Rajesh Prasad Shrivastava Aged About 48 Years
7. Nitin Sinha, S/o Kamlesh Sinha Aged About 30 Years

Respondents No.4 to 7 are r/o Village And Post, Tehsil And Police Station Khadgawan, District Koriya Chhattisgarh)

---- Respondents

For Petitioner : Mr. Pawan Shrivastava, counsel

For State/respondents : Mr. Vimlesh Bajpayee, G.A.

No. 1 to 3.

Hon'ble Shri Justice Rajendra Chandra Singh Samant

Order on Board

01-08-2019

Heard.

1. This is second round of petition filed by the petitioner under Article 226 of Constitution of India praying for issuance of appropriate writ and

directions.

2. Learned counsel for the petitioner submitted that earlier, the petitioner had filed W.P.Cr. 519/2019 for the reason that the petition was not duly constituted, the same was withdrawn on 23.07.2019 and thereafter this petition has been filed again. It is also submitted that the petitioner had made a complaint of the incident that took place on 15.11.2015 to the S.H.O., Police Station- Khadgawan, District- Koriya, C.G., alleging that five persons, out of which one Sunny Shrivastava has expired, were making an attempt to encroach upon the land of the petitioner. The petitioner then tried to intervene and stop the encroachment, because of which he was insulted by use of abusive words and also was insulted on the basis of his social status and further the assault was made upon him, but no action has been taken by the police. The petitioner then again filed the application before the Superintendent of Police on 16.11.2015 and then he filed a repeat application to the Superintendent of Police on 21.11.2015. The petitioner has later on again filed a written complain on 02.08.2017 to the Superintendent of Police, District- Koriya, C.G. and lastly he has filed a written complaint on 27.06.2019 praying for action on his complaint but no action has been taken so far.
3. The learned counsel for the State opposes of the petition.
4. Heard learned counsel for both the parties and perused the documents.
5. On perusal of the complaint made by the petitioner against the persons concerned, it appears that there is substance to make out the offence under provisions of I.P.C. and S.C/S.T. (Prevention of Atrocities) Act. Therefore, in view of the guidelines laid down by the Supreme Court in ***Lalita Kumari Vs. Government of Uttar Pradesh & Ors.*** Reported in ***2014 (2) SCC 1***, the respondent No.2 and 3 are directed to lodge F.I.R.

in this case in accordance with law.

6. Consequently, the petition is disposed off with directions as aforesaid.

Sd/-
(Rajendra Chandra Singh Samant)
Judge

Monika