

HIGH COURT OF CHHATTISGARH, BILASPUR

WPCR No. 49 of 2015

- Ramkumar S/o Bipin Bihari Aged About 42 Years R/o Raigarh (Behind The Office Of RES, Chhote Attarmuda) Zila Panchayat Office Road, P.S. Chakradhar Nagar, Raigarh, District Raigarh Chhattisgarh

---- Petitioner

Versus

1. State of Chhattisgarh Through The Secretary, Ministry Of Home Police Mahanadi Bhawan, New Mantralay, District Raipur C.G.
2. Superintendent Of Police Raigarh, District Raigarh C.G.
3. Station House Officer Police Station - Chakradhar Nagar, District Raigarh C.G.
4. Nilesh M. Chhirsagar, Aged About 30 Years Trainee I.S. In Charge SDM And Chief Executive Officer, Zila Panchayat Raigarh, District - Raigarh C.G.
5. Pramod Kumar Shukla Aged About 50 Years Commissioner Municipal Corporation Raigarh, District - Raigarh C.G.
6. Pratul Shrivastava S/o R.K. Shrivastava Aged About 45 Years Posted In Municipal Corporation Raigarh, District Raigarh C.G.

---- Respondents

For Petitioner	:	Shri Sunil Tripathi, Advocate
For Respondents No.1 - 3/State	:	Shri R.K. Bhagat, Dy. GA
For Respondents No.5 & 6	:	Shri Sudeep Agrawal, Advocate

Hon'ble Shri Justice Goutam Bhaduri

Order On Board

24/01/2019

1. Heard.
2. The present petition has been filed for registering the FIR against respondents

No.4 to 6 on the ground that without any right or legal authority, respondents No.4 to 6 forcefully entered after the sunset in the premises which was occupied by the petitioner and have demolished the same, for which a report was made to the police, however, the police is not paying any attention, therefore, under the circumstances when the cognizable offence is reported, the police is bound to register the FIR.

3. The reply of the State has been filed, supported by an affidavit. The reply would reveal that the report when was made by the petitioner, it was enquired into by the SHO, P.S. Chakradhar Nagar, District – Raigarh and after the enquiry they found that no offence is in fact made out, therefore, primarily it appears that after the report was made, enquiry was conducted and report was found to be forged. If the petitioner is not satisfied, he is free to lodge a complaint before the competent Court against the respondents. This Court in exercise of powers under Article 226 of the Constitution of India cannot give the finding about the allegations whether are correct or not.
4. The petition has no merit. It is accordingly dismissed.

Sd/-

Goutam Bhaduri
Judge

Ashu