

HIGH COURT OF CHHATTISGARH, BILASPUR

WPCR No. 743 of 2019

- Smt. Asha Widhwani W/o Sachanand Widhwani Aged About 49 Years
R/o Bhagat Singh Ward, Bhatapara, Baloda Bazaar-Bhatapara,
Chhattisgarh 493118, District : Balodabazar-Bhathapara, Chhattisgarh

---- Petitioner

Versus

1. State Of Chhattisgarh Through Secretary, Home Department, D.K.S. Bhawan, Mantralaya, Raipur, Chhattisgarh-492001, C.G., District : Raipur, Chhattisgarh
2. Superintendent of Police Bhatapara, Baloda Bazaar-Bhatapara, Chhattisgarh, District : Balodabazar-Bhathapara, Chhattisgarh
3. Sub-Divisional Officer Bhatapara, District-Balodabazar-Bhatapara, Chhattisgarh.
4. Tahsildar Bhatapara, District-Balodabazar-Bhatapara Chhattisgarh.
5. Basant Kumar Bhrigu S/o Late Shri Ravishankar Bhrigu Aged About 55 Years R/o Bajrang Ward, Bhatapara, Baloda Bazaar-Bhatapara Chhattisgarh, District : Balodabazar-Bhathapara, Chhattisgarh

---- Respondents

For Petitioner	: Mr. Sunil Otwani, Advocate
For State/respondent	: Ms. Ghanshyam Patel, Govt. Advocate.

Hon'ble Shri Justice Rajendra Chandra Singh Samant

Order On Board

18/09/2019

Heard.

1. Petition under Article 226 of Constitution of India has been brought

praying for issuance of appropriate notice(s)/directions(s)/order(s) etc.

2. Grievance of the petitioner in this petition is that despite her best efforts and running from pillar to post, when FIR has not been registered against respondent No.5 by the police, she filed an application under Section 156 (3) of CrPC before the Court of learned Judicial Magistrate First Class, Simga, District Baloda Bazar. The learned Magistrate allowed the said application vide order dated 19.9.2017 and ordered for registration of FIR against respondent No.5 for commission of offence punishable under Section 420 of IPC. In compliance of that order, FIR was registered against respondent No.5 on 25.9.2017 under Crime No.295/2017 for offence under Section 420 of IPC. However, despite reminders given by the Court itself, the final report has not been submitted till date, therefore, the petitioner has prayed for issuance of a specific direction in this regard.
3. Learned State counsel opposes the petition and submission made in this respect. It is submitted that the investigation is under way and final report will be submitted soon.
4. After considering the submissions of the counsel appearing for both the sides, it is found that even after lapse of two years period from the date of registration of FIR, the investigation has not been completed. Whatever may be the outcome, the police has to file final report as soon as possible, in the light of the observation made by the Supreme Court in the matter of Ramlal Naran vs Om Prakash, reported in AIR 1979, which has been referred in the matter of **Lalita Kumari Vs.**

Government of Uttar Pradesh & Others, (2014) 2 SCC 1.

5. Accordingly, this petition is disposed off, at the motion stage itself, with a direction that respondent No.2 shall complete the investigation and file final report as early as possible, preferably within a period of two months from the date of receipt of a copy of this order.

Sd/-

(Rajendra Chandra Singh Samant)
Judge

Nisha