

NAFR

HIGH COURT OF CHHATTISGARH, BILASPUR

W.P.(CR.) No. 805 of 2019

1. Nitin Lawrence, S/o. Harbat Lawrence, Aged About 32 Years, Member of the Chhattisgarh Daises, Raipur and St. Paul Church, Motibagh, Raipur. R/o Shankar Nagar Road, Lodhipara Chowk, In front of Anand Plaza, Police Station Pandri, Raipur, District Raipur Chhattisgarh.

---- Petitioner

Versus

1. State of Chhattisgarh, Through : The Secretary, Department of Home, Mantralaya, Mahanandi Bhawan, Atal Nagar, Naya Raipur District Raipur Chhattisgarh.
2. Police Headquarter Raipur, Through : The Director, Director General Of Police, Indrawati Bhawan, Atal Nagar, Nawa Raipur, District Raipur Chhattisgarh.
3. Inspector General of Police, Raipur, District Raipur Chhattisgarh.
4. Superintendent of Police, Mahasamund : District Mahasamund Chhattisgarh.
5. Station House Officer, Police Station : Pithora, District Mahasamund Chhattisgarh.
6. Santosh Singh, The Then Superintendent of Police, Mahasamund, at Present Superintendent of Police, Raigarh District Raigarh Chhattisgarh.
7. Dipesh Jaiswal, Station House Officer, Police Station Pithora, District Mahasamund Chhattisgarh.
8. Dilip Kumar Sahu, S/o. Ankur Sahu, Aged About 40 Years, R/o. Lakhagarh, Police Station Pithora, District Mahasamund Chhattisgarh.
9. Padri Samsheer Samuel, S/o. Late Samuel Filakash, Aged About 57 Years, R/o. St. Paul Church Compound, In front of Shubhash Stadium, Raipur, District Raipur Chhattisgarh.

-----Respondent

For Petitioner	: Mr. Malay Shrivastava, Advocate
For Respondent/State	: Mr. Avinash K. Mishra, P.L.

Hon'ble Shri Justice Rajendra Chandra Singh Samant

Order On Board

16/09/2019

1. The instant petition under Article 226 of Constitution of India has been filed for issuance of appropriate direction for lodging of FIR against the accused person.
2. It is submitted by the learned counsel for the petitioner that the petitioner had made a complaint to the Director General of Police vide Annexure P-1 on the basis of which one enquiry was made by the Police itself and the copy of the report is attached as Annexure P-4, which is dated 06.05.2019 in which there is clear finding that there is offence under Section 420 read with Section 511 of the Indian Penal Code is made out against the respondent No.9 and the direction was given for registering FIR. Subsequent to which, a memo was sent vide Annexure P-5 to the respondent No.4 for lodging FIR against respondent No.9 that was not complied with. Intimation was given to the petitioner vide Annexure P-6 on 13.05.2019. Thereafter, the petitioner has made correspondence with the police authorities, but till date no FIR has been registered against the respondent No.9. It is claim of the petitioner that the respondent No.7 & 8 are also involved in the commission of offence, however, if this Court issues direction for lodging FIR against respondent No.9, the petitioner has no objection, therefore, prayer is made for issuance of appropriate direction.

3. Counsel appearing on behalf of the respondent No.1 to 5 opposes the petition and the submission made in this respect. It is submitted that there is direction by the office of Director General of Police for registering the FIR against respondent No.9, therefore, order may be passed in this respect.
4. I have heard the learned counsel for the parties and perused the documents placed on record.
5. Considering on the submission made by the counsel for the parties, and on perusal of the enquiry report Annexure P-4, wherein there is clear finding that commission of cognizable offence under Section 420 and 511 of the Indian Penal Code is made out against the respondent No.9 and after passing of about more than four months, the police station concerned i.e. respondent No.5 has not taken any action and lodged FIR on the basis of the direction given by the superior authority, therefore, I feel inclined to dispose of this petition at the motion stage with direction.
6. Accordingly, the petition is disposed off. The respondent No.4 and 5 are directed to register FIR against respondent No.9 in accordance with the finding of the enquiry made by the office of Director General of Police vide Annexure P-4 and do the needful accordingly.

Sd/-
(Rajendra Chandra Singh Samant)
Judge