

HIGH COURT OF CHHATTISGARH, BILASPUR

WPCR No. 639 of 2018

Dr. Ila Sharma W/o Shri Pritanshu Sharma Aged About 30 Years
Occupation - Dentist, R/o B/32-33, Mahaveer Nagar, Behind Bachpan Play
School, Vikas Nagar, Police Station Civil Lines, Bilaspur, Tehsil And District
Bilaspur Chhattisgarh., District : Bilaspur, Chhattisgarh --- **Petitioner**

Versus

1. State of Chhattisgarh Through Secretary, Government Of Chhattisgarh,
Department of Home (Police), Mantralaya, Mahanadi Bhawan, Capital
Complex, Atal Nagar, Raipur, Chhattisgarh., District : Raipur, Chhattisgarh
2. Pritanshu Sharma S/o Shri Narendra Sharma Aged About 31 Years
Occupation - Service, Working In Maritz Cx, Fention, Missouri, R/o 13944
Reflection Drive, Apartment 117, Ballwin (Missouri) Usa 63021.
3. Narendra Sharma S/o Late Shri Prayagdatt Sharma Aged About 63 Years
R/o House No. 6/708 Shiv Chowk, Kududand, Bilaspur Chhattisgarh.,
District : Bilaspur, Chhattisgarh
4. Smt. Karuna Sharma W/o Narendra Sharma Aged About 56 Years R/o
House No. 6/708 Shiv Chowk, Kududand, Bilaspur Chhattisgarh., District :
Bilaspur, Chhattisgarh
5. Inspector General of Police Bilaspur Range, Bilaspur Chhattisgarh., District :
Bilaspur, Chhattisgarh
6. Superintendent of Police, Bilaspur, Chhattisgarh., District : Bilaspur,
Chhattisgarh
7. Station House Officer, Police Station Womens Cell, Bilaspur, Chhattisgarh.,
District : Bilaspur, Chhattisgarh --- **Respondents**

For Petitioner	:	Mr. Ranbir Singh Marhas, Advocate
For Respondents-State	:	Mr. Chandresh Shrivastava, Dy. A.G.
For respondents 3 & 4	:	Mr. Vinod Tekam, Advocate

Hon'ble Shri Justice Goutam Bhaduri

Order on Board

01.02.2019

1. By this writ petition filed under Article 226/227 of the Constitution of India,
the petitioner has prayed for a direction to the concerned Police Officers to

proceed with filing of charge sheet against respondents 2, 3 & 4.

2. Learned counsel for the petitioner submits that though the FIR is registered but till date there is no progress in investigation as nothing has been transpired, therefore, the concerned respondents may be directed to complete the investigation in respect of the FIR lodged by the petitioner.
3. A perusal of the record would show that the FIR was registered on 28.03.2018 u/s 498-A read with section 34 of IPC on a report made by the petitioner.
4. The Supreme Court in *Lalita Kumari Vs. Government of Uttar Pradesh and others* {(2014) 2 SCC 1} has held as follows:-

120. In view of the aforesaid discussion, we hold:

120.1. The registration of FIR is mandatory under Section 154 of the Code, if the information discloses commission of a cognizable offence and no preliminary inquiry is permissible in such a situation.

120.2. If the information received does not disclose a cognizable offence but indicates the necessity for an inquiry, a preliminary inquiry may be conducted only to ascertain whether cognizable offence is disclosed or not.

120.3. If the inquiry discloses the commission of a cognizable offence, the FIR must be registered. In cases where preliminary inquiry ends in closing the complaint, a copy of the entry of such closure must be supplied to the first informant forthwith and not later than one week. It must disclose reasons in brief for closing the complaint and not proceeding further.

120.4. The police officer cannot avoid his duty of registering offence if cognizable offence is disclosed. Action must be taken against erring officers who do not register the FIR if information received by him discloses a cognizable offence.

120.5. The scope of preliminary inquiry is not to verify the veracity or otherwise of the information received but only to ascertain whether the information reveals any cognizable offence.

120.6. As to what type and in which cases preliminary inquiry is to be conducted will depend on the facts and circumstances of each case. The category of cases in which preliminary inquiry may be made are as under:

(a) Matrimonial disputes/family disputes

(b) Commercial offences

(c) Medical negligence cases

(d) Corruption cases

(e) Cases where there is abnormal delay/laches in initiating criminal prosecution, for example, over 3 months' delay in reporting the matter without satisfactorily explaining the reasons for delay.

The aforesaid are only illustrations and not exhaustive of all conditions which may warrant preliminary inquiry.

120.7. While ensuring and protecting the rights of the accused and the complainant, a preliminary inquiry should be made time-bound and in any case it should not exceed 7 days. The fact of such delay and the causes of it must be reflected in the General Diary entry.

120.8. Since the General Diary/Station Diary/Daily Diary is the record of all information received in a police station, we direct that all information relating to cognizable offences, whether resulting in registration of FIR or leading to an inquiry, must be mandatorily and meticulously reflected in the said diary and the decision to conduct a preliminary inquiry must also be reflected, as mentioned above.”

5. In view of the law laid down by the Supreme Court in ***Ram Lal Narang v. State (Delhi Admn) (AIR 1979 SC 1791)*** and ***Lalita Kumari v. Government of Uttar Pradesh (2014) 2 SCC 1*** wherein it has been held that in such complaints/FIR disclosing commission of cognizable offence, the concerned Police shall register the FIR and complete the investigation within a reasonable time, this writ petition is disposed of with a direction to the concerned police i.e., respondent No.7 to do the needful and complete the investigation without any further delay.
6. It is made clear that this Court has not expressed any opinion on the merits of the case.

Sd/-

**Goutam Bhaduri
Judge**