

HIGH COURT OF CHHATTISGARH, BILASPUR

WPCR No. 5 of 2019

1. Ramgopoal Sahu S/o Prabhunarayan Sahu Aged About 42 Years R/o Village - Kanchanpur, Post - Kasra, Tahsil Baikunthpur, District Koriya Chhattisgarh
2. Ramlakhan Sahu S/o Ramkaran Sahu, R/o Village - Budar, Chhattasari, District Koriya Chhattisgarh.
3. Arvind Kumar S/o Dilip Kumar Aged About 39 Years R/o Village - Jaliyadand, Post - Mansukh, Tahsil - Baikunthpur, District Koriya Chhattisgarh
4. Lal Sai Rajwade S/o Late Ranguram Rajwade Aged About 42 Years R/o Village - Jaliyadand, Post - Mansukh, Tahsil - Baikunthpur, District Koriya Chhattisgarh.

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Versus

1. State of Chhattisgarh Through The Secretary, Home (Police) Department, Mahanadi Bhawan, Mantralaya, New Raipur Chhattisgarh
2. The Director General Of Police Chhattisgarh Police Headquarter, Raipur Chhattisgarh
3. The Inspector General Of Police, Surguja Range, Ambikapur, District Surguja Chhattisgarh
4. The Superintendent Of Police Baikunthpur, District Koriya Chhattisgarh
5. The Collector Baikunthpur, District Koriya Chhattisgarh
6. The Station House Officer Police Station, Baikunthpur, District Koriya Chhattisgarh
7. Jaykumar Das S/o Bhagirathi Das Aged About 37 Years R/o Village - Badkimahri, Police Station Balrampur, District Balrampur Ramanujanj Chhattisgarh
8. Vishwanath Thakur S/o Ramsubhag Aged About 45 Years R/o Village - Batra, District Surajpur Chhattisgarh
9. Rudra Prasad Kushwaha Aged About 60 Years R/o Village - Parri, Tahsil And District Surajpur Chhattisgarh
10. M.I. Health Care Product Limited Head Office, Jeevan Super Market, Second Floor, Ranaghat Nadiya Lek Town, Kolkata (West Bengal),

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For Petitioners	:	Shri DN Prajapati, Advocate
For Respondent/State	:	Shri Chandresh Shrivastava, Dy. AG for the State

Hon'ble Shri Justice Goutam Bhaduri

Order On Board

17/01/2019

1. Heard.
2. Learned counsel for the petitioners submits that the petitioners have lodged a report complaining that respondents No.6 to 9 have taken money with a promise to return the same with high value and invested the same in the M.I. Health Care Product Limited. Subsequently, it was found that the said company wherein the investment was made has been closed, therefore, the report was made, however, despite the cognizable offence was reported no action has been taken by the police.
3. Perused the report Annexure P-2. After perusal of the report it appears that the cognizable offence was reported to the S.H.O., P.S. Baikunthpur.
4. Learned State counsel submits that he may be allowed to seek instructions as to whether the FIR has been registered or not?
5. Considering the nature of complaint made by the petitioners since the cognizable offence has been reported, therefore, in view of the law laid down in the matter of *Lalita Kumari Vs. Government of Uttar Pradesh and others* {(2014) 2 SCC 1} the concerned police is bound to register the FIR when the cognizable offence is reported, therefore, it is directed that the FIR if not been

registered till date, the FIR shall be registered and the investigation may be carried out in accordance with law. It is further made clear that this Court has not expressed any opinion on the merits of the case.

6. With such observation, the petition stands disposed of.

Sd/-

Goutam Bhaduri
Judge

Ashu