

HIGH COURT OF CHHATTISGARH, BILASPUR**Writ Petition (Cr.) No. 21 of 2020**

1. Shahjada Khan, son of Abbul Khan, aged about 28 years, social worker of the Yuva Manch Raigarh resident of Danipara Raigarh P.S. Kotwali, District Raigarh Chhattisgarh

2. Nirman Chandra Roy, son of late K.P. Roy, aged about 43 years, Social Worker resident of Amritpari-A, East of Kailash, New Delhi -110065

----Petitioners**Versus**

1. State of Chhattisgarh through Secretary, Department of Home, Mahanadi Bhawan, New Mantralaya Atal Nagar, Raipur, District Raipur Chhattisgarh

2. Superintendent of Police, Raigarh, Distt. Raigarh (C.G.)

3. The Station House Officer, Police Station Kotwali, Raigarh, District Raigarh (C.G.)

4. Sawan Sandey, son of Pradeep Sandey, aged about 19 years, resident of Bapunagar, Raigarh, District Raigarh, Chhattisgarh

5. Dr. Kakoli Patnaik, son of wife of Er. Dilip Patnayak, son of care of Jai Budhhi Main Cure and quor Health Point Raigarh, District Raigarh Chhattisgarh

---- Respondents

For Petitioners : Mr. Manoj Kumar Jaiswal, Advocate.
For Respondents No. 1 to 3/State : Mr. H.S. Ahluwalia, Dy. Advocate General.

Hon'ble Shri Justice Sanjay K. Agrawal**Order On Board****15/01/2020**

(1) Respondent No. 4 was prosecuted in Special Criminal Case No. 75/2018 (**State of Chhattisgarh v. Sawan Sandey**) by Incharge Additional Sessions Judge, Fast Track Court, Raigarh under Crime No. 1115/2018 registered as Police Station, Kotwali, Raigarh. The said Court, by order dated 10.04.2019, acquitted the respondent No. 4 of the charge under Sections 376 (2) (ढ) of the IPC and Section 6 of the Protection of Children from Sexual

Offences Act, 2012 (henceforth "POCSO Act"). Thereafter, instant writ petition (Cr.) has been filed by the petitioners alleging that appropriate action also be taken against respondent No. 5 – Dr. Kakoli Patnaik for the offence punishable under Sections 312 & 313 of the IPC.

(2) Learned counsel appearing for the petitioners would submit that the police authority did not register any offence against respondent No. 5 – Dr. Kakoli Patnaik for conducting abortion and, therefore, FIR be directed to be registered against her.

(3) I have heard learned counsel appearing for the petitioners and perused the material available on record with utmost circumspection.

(4) While filing challan against respondent No. 4, in the charge sheet it was mentioned that challan under Section 173 (8) of the Code of Criminal Procedure will be filed against respondent No. 5, as such, no direction can be issued for registration of FIR against respondent No. 5 at this stage, as it is an act of after thought.

(5) Consequently, the writ petition, being devoid of merit, is liable to be and is hereby dismissed. No cost(s).

Sd/-

(Sanjay K. Agrawal)
Judge

D/-

