

HIGH COURT OF CHHATTISGARH, BILASPUR**Writ Petition (Cr.) No.422 of 2019**

Isha Patle, D/o Smt. Kamleshwari Patle (Mother) & Shri Mahesh Ram Patle (father), aged about 14 years, R/o Near of the Dulhadev Shishu Mandi, Village Kachhar, Police Station and Tahsil Masturi, District Bilaspur (C.G.)

Through: -

Wali Mother Smt. Kamleshwari Patle, W/o Shri Mahesh Ram Patle, aged about 32 years, R/o Near of the Dulhadev Shishu Mandi, Village Kachhar, Police Station and Tahsil Masturi, District Bilaspur (C.G.) Mb 6267372933

---- Petitioner

Versus

1. State of Chhattisgarh, Through the Secretary, Home Department, Mantralaya, Mahanadi Bhawan, Atal Nagar, District New Raipur (C.G.)
2. Superintendent of Police, Bilaspur, District Bilaspur (C.G.)
3. Station House Officer, Masturi, Police Station Masturi, District Bilaspur (C.G.)
4. Gulab Bai Kurre, W/o Ghasiram, aged about 40 years,
5. Ghasiram Kurre, S/o Beduram, aged about 55 years,

Both R/4 and R/5 are R/o Near of the Dulhadev Shishu Mandi, Village Kachhar, Police Station and Tahsil Masturi, District Bilaspur (C.G.)

6. Gulab Bai Kurre, W/o Shuresh Kurre, aged about 46 years,
7. Mongra Bai Kurre, W/o Shivilal Kurre, aged about 48 years,

R/6 and R/7 are R/o Near Nehru Petrol Pump, Sanjay Nagar, Gwalior, Police Station and Post Laskar, District Gwalior (M.P.)

---- Respondent

For Petitioner: Mr. Vijay K. Deshmukh, Advocate.

For Respondents No.1 to 3 / State: -

Mr. Ravi Kumar Bhagat, Deputy Government Advocate.

Hon'ble Shri Justice Sanjay K. Agrawal

Order On Board

01/12/2020

1. The petitioner is victim of the offence punishable under Section 363 of the IPC and on the report filed on her behalf, the said offence has been registered. The apprehension of the petitioner and her mother and father is that the concerned jurisdictional police have closed the case and the matter has come to an end.
2. In the instant writ petition, the State / respondents have been noticed and they have filed return.
3. At the outset, learned State counsel would submit that the police is seriously taking the matter, as the offence punishable under Section 363 of the IPC is the subject matter of FIR No.91/2019 registered at Police Station Masturi and as such, the case has not been closed.
4. Be that as it may, the concerned criminal court is directed to hear the complainant as held by the Supreme Court in the matter of **Bhagwant Singh v. Commissioner of Police and another**¹. If any closure report is filed, then the complainant be heard and then only the order shall be passed in accordance with law.
5. With the aforesaid observation, the writ petition stands finally disposed of. No order as to cost(s).

Sd/-
(Sanjay K. Agrawal)
Judge

Soma

1 (1985) 2 SCC 537