

NAFR

HIGH COURT OF CHHATTISGARH, BILASPUR

CRMP No. 75 of 2020

- Shweta Chandra @ Shabana W/o Shri Nagesh Chandra Aged About 42 Years R/o Chief House, Godripara, Chirmiri, District Koriya, Chhattisgarh, District : Koriya (Baikunthpur), Chhattisgarh

---- Petitioner

Versus

1. State Of Chhattisgarh Through The Secretary, Department Of Home Affairs, Mahanadi Bhawan, Mantralaya, Raipur, District Raipur, Chhattisgarh, District : Raipur, Chhattisgarh
2. Superintendent Of Police, Koriya, District Koriya, Chhattisgarh, District : Koriya (Baikunthpur), Chhattisgarh
3. City Superintendent Of Police, Chirmiri, District Koriya, Chhattisgarh, District : Koriya (Baikunthpur), Chhattisgarh
4. Station House Officer, Police Station Chirmiri, Koriya, District Koriya, Chhattisgarh, District : Koriya (Baikunthpur), Chhattisgarh
5. Smt. Shyam Bai W/o Dauram Sendre Aged About 50 Years R/o Ward No. 31, Cheap House, Godripara, Police Station Chirmiri, District Koriya, Chhattisgarh, District : Koriya (Baikunthpur), Chhattisgarh
6. Shamim Farzana W/o Jalaluddin Ansari Aged About 45 Years R/o Nayapara, Near Community Building, Sirgitti, Bilaspur, District Bilaspur, Chhattisgarh, District : Bilaspur, Chhattisgarh
7. Smt. Shajmin Khan W/o Shamshad Khan @ Sonu Aged About 28 Years R/o Railway Colony, Jhopdapara, Near Marhi Mai Temple, Sirgitti, District Bilaspur, Chhattisgarh, District : Bilaspur, Chhattisgarh
8. Mohd. Shamshad Khan @ Sonu S/o Munna Aged About 30 Years R/o Railway Colony, Jhopdapara, Near Marhi Mai Temple, Sirgitti, Bilaspur, District Bilaspur, Chhattisgarh, District : Bilaspur, Chhattisgarh
9. Mohd. Tasharak Hussain Aged About 45 Years R/o Nayapara, Near Community Building, Sirgitti, Bilaspur, District Bilaspur, Chhattisgarh, District : Bilaspur, Chhattisgarh
10. Station House Officer, Police Station Sirgitti, Bilaspur, District Bilaspur, Chhattisgarh, District : Bilaspur, Chhattisgarh

---- Respondents

For Petitioner : Mr. Punit Ruparel, Advocate.

For State : Mr. Aditya Tiwari, Panel Lawyer

Hon'ble Shri Justice Narendra Kumar Vyas
Order on Board

09-08-2021

1. Learned counsel for the petitioner would submit that the Police have prepared the closure report with regard to the incident for which the petitioner has made a complaint as reflected from the letter dated 13-11-2019 written by the Police Station Incharge to the Superintendent of Police, District Koriya. The letter dated 13-11-2019 clearly shows that the concerning Incharge of the Police Station has taken opinion from the prosecuting officer and he has opined for closure of the case.. Accordingly he sought permission from his superior authority for closure of the case. Even after lapse of more than one year and six months, the Superintendent of Police, District Koriya has not taken any action on the information furnished by the Police Station Incharge with regard to the report in connection with Crime No. 119 of 2019 for committing offence punishable under Sections 457, 380, 365 and 149 of IPC by the accused Smt. Shyam Bai, Shamim Farzana, Smt. Shajmin Khan, Mohd. Shamshad Khan @ Sonu and Mohd. Tasharak Hussain.
2. The petitioner has filed the present writ petition(Cr) before this Court and prayed for following reliefs:-
 - “10.1 The Hon'ble Court may kindly be pleased to quash the statement under Section 164 of Cr.P.C., recorded in Crime No. 0119 of 2019 registered at Police Station Chirimiri, District Koriya (CG) before the Judicial Magistrate, First Class, Chirimiri, District Koriya (CG).
 - 10.2 The Hon'ble Court may kindly be pleased to direct the Police to record afresh statement the petitioner under Section 164 of Cr.P.C before the Judicial Magistrate First Class, Chirimiri, District Koriya (CG).
 - 10.3 Hon'ble Court may kindly be pleased to direct the Police Station Chirimiri to file charge-sheet in Crime No. 0119 of 2019 registered

at Police Station Chirirmi as early as possible.

10.4 That, this Honorable Court may kindly be direct the respondent No.10 Police Station Sirgitti, Bilasppur to register FIR of rape and other offenses against the private respondents (respondent No.9 and Jalauddin Ansari).

3. Considering all the facts and circumstances of the case and in view of the above, it is directed that the Superintendent of Police, District Koriya shall forward the report on the said Crime No. 119 of 2019 to the concerned Magistrate within two months from the date of receipt of a copy of this order. On receiving such report, concerned Magistrate shall follow the due process of law.
4. With the aforesaid observation and direction, the instant petition is disposed of.
5. Let a copy of this order be communicated to the Superintendent of Police, District Koriya for compliance.

Sd/-

(Narendra Kumar Vyas)
Judge

Raju