

NAFR

**HIGH COURT OF CHHATTISGARH, BILASPUR**

**CONT. No. 57 of 2020**

Navneet Sharma, S/o. Late R.M. Sharma, aged about 41 years, resident of House No. C/11, Sector - II, Devendra Nagar Raipur, District - Raipur, Chhattisgarh.

**---- Petitioner**

**Versus**

1. Mr. Arif Sheikh, Superintendent of Police Raipur, District - Raipur, Chhattisgarh.
2. Narendra Kumar Banchour, Station House Officer, Police Station - Devendra Nagar, Raipur, District Raipur Chhattisgarh.

**-----Respondents**

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| For Petitioner  | : Mrs. Madhunisha Singh, Advocate |
| For Respondents | : Mr. Alok Bakshi, Advocate       |

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**Hon'ble Shri Justice Rajendra Chandra Singh Samant**

**Order On Board**

**10/03/2021**

1. This petition has been brought praying to draw the proceeding against the respondents under the Contempt of Courts Act, 1971 on the ground that the respondents have not complied with the order dated 11.09.2019, passed by this Court in W.P.(Cr.) No. 30 of 2019.
2. It is submitted by the learned counsel for the petitioner, that in the order dated 11.09.2019, in W.P.(Cr.) No.30 of 2019, the respondents, were directed to make detailed enquiry on the complaint filed by the petitioner and that, if any, substance is

found regarding commission of cognizable offence against the private respondents, in that case, FIR be lodged and the case be investigated accordingly.

3. It is submitted by the learned counsel for the petitioner that the petitioner himself apprised the respondents of the order passed by this Court, but the respondents have deliberately not complied with the direction issued by this Court and it is now almost two years are going to complete after passing of that order, hence, the respondents are liable to be proceeded under the provisions of Contempt of Courts Act, 1971.
4. Counsel appearing on behalf of the respondents denies the allegations made by the petitioner's counsel. It is submitted that there had not been any order for registration of FIR directly on the complaint lodged by the petitioner. On the contrary, it was the direction of this Court firstly to make a detailed enquiry and then if in case any substance is found, then there was direction for registration of FIR. The enquiry was initiated, statement of petitioner was recorded by the S.H.O. - Devendra Nagar, Raipur and as the incident had occurred within the jurisdiction of Police Station Civil Lines, Raipur, the enquiry matter was then forwarded to the Police Station Civil Lines. The Police Station – Civil Lines has made further enquiry and recorded the statement of other witnesses and then submitted reported under Section 155 of Cr.P.C., that there is already a charge-sheet filed against the accused persons on the complaint lodged by the petitioner, in

which the crime number was registered as No.130/2018 for offence under Section 420 of I.P.C. and the matter complained pertains to the same case, which can be raised before the trial Court in that case. It is submitted that on the basis of the enquiry made, no substance was found on the basis of which, FIR could have been lodged against the named accused persons. The respondents have respectfully made compliance of the order passed by this Court, therefore, the petition filed is baseless and without any substance, which may be dismissed.

5. I have heard the learned counsel for the parties and perused the documents placed on record.
6. This Court while disposing off W.P.(Cr.) No.30 of 2019, passed order in Paragraph No.7, which is as under :-

“7. Accordingly, this petition is disposed of. Respondents No.2 and 3 are directed to make a detailed enquiry on the complaint filed by the petitioner and if any substance is found regarding commission of cognizable offence against the private respondents in that case FIR be lodged and the case be investigated accordingly.”

7. The order passed clearly shows, that the direction for making enquiry into complaint filed by the petitioner was the first part of the order. According to the submissions made by the respondents side, this part has been complied by the respondents side. The enquiry was initiated by the S.H.O., Devendra Nagar and then the same has been completed by

S.H.O. Civil Lines, Raipur and report has been submitted according to which no substance was found for lodging a separate FIR by the concerned investigation officer. The other part of the order of this Court was conditional on this point that if any substance is found regarding commission of any cognizable offence, in that case, the FIR was to be lodged. The respondents and the investigation officer of the Police Station Civil Lines, have enquired and drawn conclusion, which may be right, which may be wrong. Any contempt proceeding can not be drawn against the respondent on this point that the respondents have not drawn correct conclusion in the enquiry on the complaint by the petitioner. Therefore, I do not find any substance in this petition, which is dismissed at admission stage itself.

**Sd/-**  
**(Rajendra Chandra Singh Samant)**  
Judge