

NAFR

HIGH COURT OF CHHATTISGARH, BILASPUR

WPCR No. 225 of 2020

Smt. Yogita Bela, W/o Shri Subhash Bela, Aged About 46 Years, R/o Near Pani Tanki, Indira Colony, Tarbahar, Bilaspur, District- Bilaspur (C.G.)
----- Petitioner

Versus

1. State of Chhattisgarh, Through Secretary, Department of Home Affairs (Police), New Raipur Mantralaya, New Raipur, Civil & Revenue District- Raipur (C.G.)
2. Director General of Police, Raipur, District- Raipur (C.G.)
3. Inspector General of Police, Range Bilaspur, District- Bilaspur (C.G.)
4. Superintendent of Police, Bilaspur, Civil & Revenue District- Bilaspur (C.G.)
5. District Magistrate, Bilaspur Civil & Revenue District- Bilaspur (C.G.)
6. Station House Officer, Police Station- Tarbahar, Civil & Revenue District- Bilaspur (C.G.)
7. Rakesh Kumar Singh, S/o Late Parikshan Singh, Aged About 55 Years, R/o Kududand, Bilaspur, District- Bilaspur (C.G.)
8. Mona Khan @ Ajij Khan, S/o Late Gulab Khan, Aged About 30 Years, R/o Near Purani Daru Bhatthi, Tarbahar, District- Bilaspur (C.G.)
9. Shyama Sariwan, W/o Manmohan Lal Sariwan, Aged About 60 Years, R/o Near Purani Daru Bhatthi, Tarbahar, Indira Colony, Tarbahar, District- Bilaspur (C.G.)
10. Renuka Dongre, D/o Late Milan Dongre, Aged About 30 Years, R/o Near Purani Daru Bhatthi, Tarbahar, Indira Colony, Tarbahar, District- Bilaspur (C.G.)
11. B.S. Nishad (At present retired) Officer-In-Charge of the Police Station- Tarbahar and also Investigating Officer of Petitioner's case, Bilaspur, District- Bilaspur (C.G.). (At the relevant time)

----- Respondents

For Petitioner	:	Mr. Kalpesh Ruparel, Advocate.
For State/ Res. 1 & 6	:	Mr. Vinod Kumar Tekam, Panel Lawyer.

Hon'ble Shri Justice Narendra Kumar Vyas

Order On Board

17.08.2021

1. The petitioner has filed this writ petition under Article 226 of the Constitution of India for seeking following reliefs:-
 - (i) That, this Hon'ble Court may kindly be pleased to

set-aside the closure report filed in the Crime No. 285/2017 registered at Police Station Tarbahar, Bilaspur in Closure Report No. 13/2017 and directed the police authority to adopted the procedure prescribed by Hon'ble Apex Court and by the Hon'ble Hig Court in WP (Cr.) No. 82/2014.

- (ii) That, this Hon'ble Court may kindly be pleased to direct the respondent No. 1 to 5 to register the offence against the respondent No. 11 (Retired Police Station House Officer, Tarbahar, Bilaspur) and prosecute him in the relevant offences.
 - (iii) That, this Hon'ble Court may kindly be pleased to direct the police authority to file a closure report No. 13/2017 to concerned Magistrate for further procedure of law.
 - (iv) Cost of the petition may also be granted to the petitioner.
 - (v) Any other relief, which this Hon'ble Court deems fit and proper, may also, kindly be granted to the petitioner in the interest of justice.
2. Learned counsel for the petitioner would submit that Closure Report No. 13/2017 has been prepared in connection with Crime No. 285/2017 registered by the petitioner against respondent No. 7 to 10 at Police Station- Tarbahar, District- Bilaspur (C.G.) for committing offence punishable under Sections 452, 457, 354 read with Section 34 of I.P.C., but the same has not submitted before the concerned Judicial Magistrate First Class.
3. In view of the submission made by learned counsel for the petitioner, the investigating officer is directed to submit the closure report before the concerned Judicial Magistrate First Class within a period of three months from the date of receipt of copy of this order. The Judicial Magistrate First Class is also directed to consider the same in accordance with law after notice to the complainant for raising objection with regard to the closure report submitted by the Investigating Officer.
4. With these observations and directions, the instant writ petition stands disposed of.

Sd/-
(Narendra Kumar Vyas)
Judge