

NAFR

HIGH COURT OF CHHATTISGARH, BILASPUR

WPCR No. 554 of 2021

Smt. Neha Kurre W/o Shri Amardeep Kurre, aged about 35 years, R/o Hindi Bhawan, Sadak No. 3, Pragati Nagar Risali, Bhilai, District- Durg (C.G.).

---- Petitioner

Versus

1. State of Chhattisgarh, Through the Principal Secretary, Home Department Mahanadi Bhavan, Mantralaya Atal Nagar, Raipur, District- Raipur (C.G.).
2. Superintendent of Police, Durg District- Durg (C.G.).
3. Amardeep Kurre S/o Banshilal Kurre, aged about 38 years, presently residing at 77, Town Center Building No. 3, West Wing Airport Bangluru (Karnataka).
4. Banshi Lal Kurre R/o Vasundhara Nagar, Raipura P.O. and District Raipur (C.G.).
5. Smt. Chandra Prabha Kurre W/o Banshi Lal Kurre, R/o Vasundhara Nagar, Raipura, P. O. and District Raipur (C.G.).
6. Station House Officer (C. Tirki), Mahila Thana, Sector- 6, Bhilai Nagar, District- Durg (C.G.).

---- Respondents

For Petitioner	: Mr. T. K. Jha, Advocate
For State	: Mr. Sudeep Verma, Dy. G. A.

Hon'ble Shri Justice Narendra Kumar Vyas

Order On Board

31.08.2021

1. The petitioner has filed this writ petition under Article 226 of the Constitution of India against inaction on the part of the respondent authorities, whereby they have not taken any cognizance on the complaint made by the petitioner against the respondents No. 3, 4 & 5 with regard to cognizable offence.
2. The petitioner has filed the instant petition before this Court mainly contending that the petitioner has filed the complaint on 17.08.2020, before the Police Station Mahila Thana, Durg

alleging therein certain commission of offence committed by her husband and her mother-in-law and father-in-law but the police authorities have not taken any action against them.

3. On above factual matrix the petitioner has prayed for following reliefs :-

“10.1. That, this Hon'ble Court may kindly be pleased to call for the entire records relating to this case.

10.2 That, this Hon'ble Court may kindly be pleased to allow the petition and direct order for registration of an FIR on the complaint dated 17.08.2020 made by petitioner to Station House Officer (Mahila Police Station) Durg, in the interest of justice.

10.3 That, this Hon'ble Court may kindly be pleased to allow the petition and direct the Superintendent of Police Durg to take suitable action against the respondent No. 6 for dereliction of duty.”

10.4 That any other relief, which this Hon'ble Court may deem fit and proper together with cost of the petition.”

4. From perusal of reliefs sought, it is quite clear that the petitioner wants that on the basis of complaint, FIR should be registered against respondent Nos. 3, 4 & 5.
5. In the matter of **Sakiri Vasu Vs. State of Uttar Pradesh & others**¹, their Lordships of the Supreme Court has examined the issue holding that the petitioner has remedy of filing of complaint before the concerned Judicial Magistrate First Class under Section 200 or 156(3) of the Cr.P.C. The Supreme Court has again considered and decided the issue in **Sudhir Bhaskarrao Tambe v. Hemant Yashwant Dhage**² and **M. Subramaniam & another Vs. S. Janaki & another**³.
6. Considering the facts and materials on record and in light of the law laid down by Hon'ble the Supreme Court in the above referred judgments, the present writ petition filed under Article 226 of the Constitution of India, is disposed of with liberty to the

¹ (2008) 2 SCC 409

² (2016) 6 SCC 277

³ (2020) 16 SCC 728

petitioner to file complaint under Section 200 or 156 (3) of the Cr.P.C. before the court of Judicial Magistrate First Class having jurisdiction over the place of offence and in-turn Magistrate will follow the procedure prescribed under the provisions of the Cr.P.C.

7. It is made clear that this Court has not expressed any opinion on merits of the case whether the complaint discloses any criminal offence or not.
8. In view of the above, the instant writ petition is disposed of with the aforesaid liberty granted in favour of the petitioner.

Sd/-
(Narendra Kumar Vyas)
Judge