

NAFR

HIGH COURT OF CHHATTISGARH, BILASPUR

WPCR No. 637 of 2021

Sachin Kumar Sahu, S/o Shri Ashok Sahu, Aged About 44 Years, R/o Village - Belgahna, Out Post - Belgahna, Police Station - Kota, District - Bilaspur (C.G.)

---- Petitioner

Versus

1. State of Chhattisgarh, through the Secretary, Department of Home (Police), Mahanadi Bhavan, Capital Complex, Mantralaya, Atal Nagar, Nawa Raipur, District - Raipur (C.G.)
2. Director General of Police, Police Head Quarters (PHQ), Raipur, District - Raipur (C.G.)
3. Superintendent of Police, Bilaspur, District - Bilaspur (C.G.)
4. The Station House Officer, Police Station - Kota, District - Bilaspur (C.G.)
5. The In-Charge of Out Post Officer, Out Post - Belgahna, Police Station - Kota, District - Bilaspur (C.G.)
6. Harikirtan Diwan, S/o Dukaldas Manikpuri, Aged About 52 Years, R/o Village - Dholmahua, Out Post - Belgahna, Police Station - Kota, District - Bilaspur (C.G.)
7. Manoj Bajpai, S/o Vidyadhar Bajpai, Aged About 54 Years.
8. Kapil Jaiswal, S/o Madan Jaiswal, Aged About 39 Years.
9. Raviraj Rajak, S/o Gorelal Rajak, Aged About 38 Years.
10. Smt. Bhagmati, W/o Panchram, Aged About 65 Years.
11. Smt. Hemin, W/o Chaitu, Aged About 70 Years.
Respondent No. 7 to 11 are R/o Village & Post - Belgahna, Out Post - Belgahna, Police Station - Kota, District - Bilaspur (C.G.)
12. Mohammad Anwar Ansari, S/o Sher Ahmad Ansari, Aged About 40 Years, R/o Village - Pandrapathra, Out Post - Belgahna, Police Station - Kota, District - Bilaspur (C.G.)
13. Smt. Vandana Khare, W/o Sharad Khare, Aged About 50 Years, R/o Village & Post - Belgahna, Out Post - Belgahna, Police Station - Kota, District - Bilaspur (C.G.)

---- Respondents

For Petitioner : Mr. Dharmesh Shrivastava, Advocate.

For State/res. No. 1 to 5 : Mr. Uddhav Sharma, Govt. Advocate.

Hon'ble Shri Justice Narendra Kumar Vyas

Order On Board

06.10.2021

1. The petitioner has filed this writ petition under Article 226 of the Constitution of India alleging that after long persuasion, FIR has been registered on 09.09.2021 whereas the incident took place on 11.04.2018. The police has already registered FIR within 15 days of submission of complaint and the petitioner has approached this Court for following reliefs:-

“10.1 That, this Hon'ble Court may kindly be pleased to call for the entire records in relates to the case of the petitioner from the possession of respondents for its kind perusal.

10.2 That, this Hon'ble Court may kindly be pleased to direct the respondent No. 4 & 5 to take steps for fair and speedy investigation and to arrest the accused persons who are freely moving in the village and testing the entire society.

10.3 That, this Hon'ble Court may kindly be pleased to direct the respondent No. 3 to take appropriate steps against the respondent No. 4 & 5 who are not taking steps for arresting the accused persons who have committed an offence against the society.

10.4 That, this Hon'ble Court may kindly be pleased to grant any other relief/reliefs in favour of the petitioner, which the Hon'ble Court deemed fit & just in the facts and circumstances of the case, including awarding of the costs to the petitioner.”

2. The investigation is still pending before police and the instant petition has been filed by the petitioner on 25.09.2021 without waiting for giving considerable time for investigation, therefore, this Court cannot issue direction to investigating authority to expedite the investigation at this juncture as no cause of action has been arisen.
3. In view of the above, the instant writ petition is dismissed at motion stage itself.

Sd/-
(Narendra Kumar Vyas)
Judge