

NAFR

HIGH COURT of CHHATTISGARH, BILASPUR**CRMP No. 1146 of 2021**

- Anupama Sen W/o Mahesh Sen, aged about 40 Years caste Nai, R/o Kapoor Singh Dafai, Chhotabazar, Chirmiri, Police Station Chirmiri, District Koriya Chhattisgarh.

-----Petitioner**VERSUS**

1. State of Chhattisgarh Through The Superintendent of Police, Koriya, District Koriya Chhattisgarh.
2. Station House Officer, Police Station, Chirmiri, District Koriya Chhattisgarh.
3. Sharman Prajapati, S/o Shri Bajrang Prajapati, aged about 43 Years R/o Kapoor Singh Dafai, Chhotabazar, Chirmiri, Police Station Chirmiri, District Koriya Chhattisgarh.

-----Respondents

For Petitioner	: Mr. Punit Ruparel, Advocate
For Respondents 1 & 2	: Mr. Uddhav Sharma, Govt. Adv.

SB: Hon'ble Shri Parth Prateem Sahu, Judge**ORDER****28/10/2021**

1. Learned counsel for petitioner submits that report was lodged on 06.06.2021 for the incident stated to have been committed on 06.06.2021 for commission of offence under Indian Penal Code. Based on the report, FIR No. 163/2021 was registered against Sarman (Respondent 3), Reshma Khan and Nilam Khan. Named FIR has been lodged and thereafter all the three persons have been made accused in the FIR. But police authorities at the time of submission of final report under Section 173 of CrPC have illegally removed the name of Respondent 3 from the accused persons. Final report was submitted before the Court of competent jurisdiction. After getting knowledge of illegal deletion of name of Respondent 3 from the criminal proceedings at the time of submission of final report, petitioner submitted an

application before the Superintendent of Police, Baikunthpur, District Koriya on 23.08.2021 but till date no action has been taken on her application, therefore, direction(s) be issued to Superintendent of Police, Baikunthpur, district Koriya for taking appropriate action on her application and to file an application under Section 173(8) of CrPC before jurisdictional magistrate.

2. Mr. Uddhav Sharma, learned State counsel submits that petitioner has already approached the competent authority by way of filing application Annexure P-2 dated 23.08.2021. If the Superintendent of Police does not take any action then the remedy is available to petitioner to file an application before the Court of jurisdictional Magistrate. It is also brought to the notice of this Court by learned State counsel that the Superintendent of Police has taken cognizance on the application Annexure P-2 submitted by petitioner and has issued letter on 27.09.2021 for her appearance along with relevant material and the date was fixed on 03.10.2021. Petitioner was well aware of the action taken by Superintendent of Police on her application but filed this petition on 25.10.2021, hence, no relief can be granted to petitioner in this petition.

3. I have heard learned counsel for the parties.

4. Petitioner has filed this petition with following prayer:

“The petitioner therefore most humbly and respectfully prays that the Hon'ble Court may kindly be pleased to allow instant petition and directed the respondent no. 1 & 2 to file a supplementary charge-sheet against the respondent no. 3 or in alternative relief move an application under Section 319 of CrPC before the trial court, in the interest of justice.”

5. Perusal of record would show that on application Annexure P-2 submitted by petitioner on 23.08.2021, Superintendent of Police has issued notice to petitioner on 27.09.2021 for her appearance before the authority on 03.10.2021. Learned counsel for petitioner has not made any submissions with regard to subsequent proceeding in pursuance of notice dated 27.09.2021 for her appearance. Petitioner was well aware that the Superintendent of Police has taken action on her application but even then approached this Court by way of filing this petition. Petitioner can very well approach the Court of jurisdictional Magistrate if she is having any grievance on the submission of final report.
6. In view of aforementioned facts, petition being sans merit which is liable to be and is hereby dismissed.

Sd/-
(Parth Prateem Sahu)
Judge