

Laxmi Prasad Kashyap Vs State Of Chhattisgarh And Ors

Court: Chhattisgarh High Court

Date of Decision: Feb. 19, 2019

Acts Referred: Code Of Criminal Procedure, 1973 " Section 154

Hon'ble Judges: Goutam Bhaduri, J

Bench: Single Bench

Advocate: CJK Rao, Shivali Dubey

Final Decision: Disposed Of

Judgement

Goutam Bhaduri, J

1. Heard.

2. The present petition is for non-registration of the FIR against respondents No.8 to 21.

3. Learned counsel for the petitioner submits that respondents No.8 to 21 forcefully entered into the shop of the petitioner and demolished it and

despite the report made no FIR is lodged. He referred to Annexure P-2, P-3 & P-4 and submits that the police was bound to register the FIR and

investigate the matter.

4. Perused the documents. The following relief has been prayed for by the petitioner :-

10.1 That, this Hon'ble Court may kindly be pleased to issue a writ (S), order (S), direction (S) by directing the respondent authorities, particularly

Station House Officer, Birra (Respondent No. 7) to register the F.I.R. against the offenders (as mentioned in the complaint, Annexure P-2 & P-3),

as per Section 154 of Cr. P.C. and the guidelines issued by the Hon'ble Supreme Court of India in the case of L alita Kumari Vs. Government of Uttar

Pradesh & Others (2014) 2 SCC 1, in the interest of justice.

10.2 That, this Hon'ble Court may kindly be pleased to call for the records of the matter. as an alternative relief, the petitioner pray that, the matter

may kindly be referred to an independent investigation agency for investigating the entire matter.

10.3 Any other relief (s) in form of order or orders and/or direction(s) as your lordships may deem fit and proper.

5. Considering the allegations made in Annexure P-2, P-3 & P-4, wherein named FIR has been made, therefore, in view of the law laid down in the

matter of Lalita Kumari Vs. Government of Uttar Pradesh and others {(2014) 2 SCC 1} the concerned police shall lodge the FIR and carry out the

investigation as prima facie cognizable offence has been reported, therefore, the concerned police authority is directed to register the FIR taking into

the nature of the complaint and investigate the same. It is further made clear that this Court has not expressed any opinion on the merits of the case.

6. With such observation, the petition stands disposed of.