



(3)

CANCEL
C.M.

**IN THE CHHATTISGARH HIGH COURT OF JUDICATURE
AT BILASPUR**

W.P. No. 779 /2002

PETITIONER

GANPAT, S/o BHABHUTI
AGED ABOUT 45 YEARS,
R/o Vill. KOLIHADIH, PS. Mungeli,
Tehsil Mungeli, Dist. Bilaspur(CG)

Vs

RESPONDENT

- 1) STATE OF CHHATTISGARH
THROUGH HOME SECRETARY.
DKS BHAVAN, RAIPUR (CG).
- 2) INSPECTOR GENERAL OF POLICE,
BILASPUR (CG)
- 3) SUPDT. OF POLICE,
BILASPUR DIST. BILASPUR (CG).
- 4) STATION HOUSE OFFICER,
PS. MUNGELI, DIST. BILASPUR (CG)

WRIT PETITION UNDER ARTICLE 226/227 OF CONSTITUTION OF INDIA

778/17
C.M.

आदेश पत्रक

मामला क्रमांक W.P.No. 779/2002 सन् 200

विरुद्ध

आदेश का दिनांक आदेश क्रमांक सहित	आदेश हस्ताक्षर सहित	कार्यालयीन मामलों में डिप्टी रजिस्ट्रार के अन्तिम आदेश
	<p><u>30-05-2002</u></p> <p>Petitioner by Shri Dhirendra Mishra, Advocate.</p> <p>State by Shri P.S. Koshy, Govt. Advocate.</p> <p>Heard on I.A.Nos. 3332/2002 (application for urgent hearing) and 3331/2002 (application for hearing during summer vacation).</p> <p>The applications are allowed.</p> <p>The petitioner is the father of the deceased Sher Singh. It is submitted that the age of Sher Singh is 15 years and he died on 24-09-2001. A report was lodged to that effect. Autopsy was conducted. Post mortem was also conducted.</p> <p>Learned counsel for the petitioner relies upon a judgment of the Apex Court reported in A.I.R. 2001, Page 2113 in the case of <u>Mohindro - Vs - State of Punjab</u>. The relevant portion of the judgment is quoted below:</p> <p>"The grievance of the appellant is that though she has approached the authority for registering a case against the alleged accused persons but the police never registered a case and never put the law in motion, and therefore, having failed in an attempt in the High Court to get a case registered she has approached this Court. Pursuant to the notice issued the respondents have entered appearance. Though the learned counsel appearing for the State of Punjab stated that there had been an enquiry, we fail to</p>	[पीछे देखिये]

आदेश पत्रक

मामला क्रमांक

W.P.No. 779/2002
सन् 200

विरुद्ध

आदेश का दिनांक आदेश क्रमांक सहित	आदेश हस्ताक्षर सहित	कार्यालयीन मामलों में डिप्टी रजिस्ट्रार के अन्तिम आदेश
	<p>understand as to how there can be an enquiry without registering a criminal case. On the facts alleged, it transpires that the appellant approached the police for registering a case and get the allegation investigated into and yet for no reasons whatsoever the police failed to register the case. In the aforesaid premises, we allow this appeal and direct that a case be registered on the basis of the report to be lodged by the appellant at the police station within a week from today and thereafter the matter will be duly investigated into and appropriate action be taken accordingly.</p> <p>The appeal is disposed of accordingly."</p> <p>Having thus considered the facts and circumstances of the case, material available on record and in view of the judgment of the Apex Court in the case of Mohindro - Vs - State of Punjab (Supra), the matter may be inquired into by any officer not below the rank of Deputy Superintendent of Police, Mungeli and the said officer shall submit a detailed report to that effect. The matter shall proceed strictly in accordance with law.</p> <p>In view of this order, I.A.Nos. 3331/2002 and 3332/2002 stand disposed of.</p> <p>Certified copy as per rules.</p>	

Sd/-
Fakhruddin
Judge

[पीछे देखिये]

Mushy

W.P.

158

18/11/02