

(3) (2)

IN THE HIGH COURT OF JUDICATURE OF CHHATTISGARH
AT BILASPUR

W.P. NO. 2110 OF 2001

WRIT PETITION UNDER ARTICLES 226/227 OF THE
CONSTITUTION OF INDIA

PETITIONER : ✓ Jhool Bai
D/o. Battulal Dhobi
aged about 19 years
resident of Village-Adbhar
Post Malkharauda, Tahsil &
Police Station Malkharauda
District Janjgir-Champa (C.G.)

Versus

RESPONDENTS : 1. ✓ State of Chhattisgarh
Acting through-Secretary
Home Department
Govt. of Chhattisgarh
Raipur (C.G.).

2. Superintendent of Police
Janjgir-Champa
District Janjgir-Champa (C.G.).

3. Sub Divisional Officer (Police)
Sakti, District Janjgir-Champa.

4. Officer-In-Charge
Police Station-Malkharauda
District-Janjgir-Champa (C.G.)

P.R. No. 2076/01
Presented by Shri J. G. V. Mahapatra
dtd 11/10/01

WRIT PETITION UNDER ARTICLES 226/227 OF THE
CONSTITUTION OF INDIA

आदेश पत्रक

W.P.No. 2110/2001

मामला क्रमांक

सन् 200

विरुद्ध

आदेश का दिनांक आदेश क्रमांक सहित	आदेश हस्ताक्षर सहित	कार्यालयीन मामलों में डिप्टी रजिस्ट्रार के अन्तिम आदेश
	<p><u>28.6.2002</u></p> <p>Petitioner by Shri K.A.Ansari, Advocate. State by Shri Ranbir Singh, Govt. Advocate. Heard.</p> <p>Learned counsel for the petitioner submits that the petitioner was sexually exploited by one Set Kumar S/o Thanda Ram Bareth, R/o Village-Adbhar, Post- Malkharauda, District-Janjgir Chanpa on the assurance of marriage. A panchayat was held in which said Set Kumar admitted having sexual relations with the petitioner and promised to marry but thereafter parents of the boy sent him to Jammu and his whereabouts are not known to the petitioner. A perusal of document Annexure P/4 that is a letter to the Superintendent of Police, Janjgir Chanpa dt. 16.8.2001 shows that the matter was reported to the police station on 26.6.2001 and thereafter on 30.6.2001 to the Sub Divisional Officer (Police).</p> <p>Learned counsel for the petitioner placed reliance on a decision of this Court in W.P.No. 153/2002 (Mahendra Kumar Saluja & another Vs. State of Chhattisgarh & others and also on a decision of Apex Court reported in AIR 2001 S.C. 2113 (Mohindro Vs. State of Punjab and others) and submits that failure of police to register case for no reasons whatsoever is not proper. The decision of the Apex Court is quoted below:</p>	

[पीछे देखिये]

उच्च न्यायालय, छत्तीसगढ़, बिलासपुर

आदेश पत्रक

W.P. No. 2110/

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आदेश का दिनांक आदेश क्रमांक सहित	आदेश हस्ताक्षर सहित - 2 -	कार्यालयीन मामलों में डिप्टी रजिस्ट्रार के अन्तिम आदेश
	<p><i>"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 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 any appropriate action be taken accordingly. The appeal is disposed of accordingly."</i></p> <p>Having thus considered the facts and circumstances of the case in the opinion of this Court it would be just and appropriate to issue a direction to the respondents to examine and register a case on the complaint made by the petitioner within a week from the date of production of copy of this order, investigate it and in case any offence is made out then file</p>	

[पीछे देखिये]

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आदेश का दिनांक आदेश क्रमांक सहित	आदेश हस्ताक्षर सहित - 3 -	कार्यालयीन मामलों में डिप्टी रजिस्ट्रार के अन्तिम आदेश
	<p>challan etc. in the competent Court of jurisdiction, which shall be dealt with in accordance with law.</p> <p>With the above observation this petition is disposed of finally.</p> <p>Certified copy as per rules.</p>	<p>Sd/- Fakhruddin Judge</p>