

**(2018) 08 CHH CK 0109**  
**In the Chhattisgarh High Court**  
**Case No : WPCR No. 364 Of 2018**

Chandrashekhar Dewangan

APPELLANT

Vs

State Of Chhattisgarh And Ors

RESPONDENT

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**Date of Decision :** 08-08-2018

**Acts Referred:**

**Citation :** (2018) 08 CHH CK 0109

**Hon'ble Judges :** Goutam Bhaduri, J

**Bench :** Single Bench

**Advocate :** Punit Ruparel, Sangharsh Pandey

**Final Decision :** Disposed Of

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## Judgement

Goutam Bhaduri, J

1. The petitioner has deposited the amount in a company namely BN Gold Real Estate & Allied Ltd. In 2011 with an assurance of the agent that the

money would be doubled within a short span of time and would be returned with high interest and subsequently after the date of maturity when the

money was demanded, it was refused thereby the offence has been committed.

2. Learned counsel for the petitioner submits that a report was made to the SHO, PS Patewa, District Mahasamund (C.G.) on 07.05.2018, however,

no FIR is registered by the police authorities.

3. Perusal of the report would show that the cognizable offence was reported by the petitioner.

4. The Supreme Court in Lalita Kumari Vs. Government of Uttar Pradesh and others {(2014) 2 SCC 1} has held as follows:-

120. In view of the aforesaid discussion, we hold: 120.1. The registration of FIR is mandatory under Section 154 of the Code, if the information

discloses commission of a cognizable offence and no preliminary inquiry is permissible in such a situation.

120.2. If the information received does not disclose a cognizable offence but indicates the necessity for an inquiry, a preliminary inquiry may be conducted only to ascertain whether cognizable offence is disclosed or not.

120.3. If the inquiry discloses the commission of a cognizable offence, the FIR must be registered. In cases where preliminary inquiry ends in closing

the complaint, a copy of the entry of such closure must be supplied to the first informant forthwith and not later than one week. It must disclose

reasons in brief for closing the complaint and not proceeding further. 120.4. The police officer cannot avoid his duty of registering offence if

cognizable offence is disclosed. Action must be taken against erring officers who do not register the FIR if information received by him discloses a

cognizable offence. 120.5. The scope of preliminary inquiry is not to verify the veracity or otherwise of the information received but only to ascertain

whether the information reveals any cognizable offence.

120.6. As to what type and in which cases preliminary inquiry is to be conducted will depend on the facts and circumstances of each case. The

category of cases in which preliminary inquiry may be made are as under:

(a) Matrimonial disputes/family disputes

(b) Commercial offences

(c) Medical negligence cases

(d) Corruption cases

(e) Cases where there is abnormal delay/laches in initiating criminal prosecution, for example, over 3 months' delay in reporting the matter without

satisfactorily explaining the reasons for delay.

The aforesaid are only illustrations and not exhaustive of all conditions which may warrant preliminary inquiry. 120.7. While ensuring and protecting

the rights of the accused and the complainant, a preliminary inquiry should be made time-bound and in any case it should not exceed 7 days. The fact

of such delay and the causes of it must be reflected in the General Diary entry.

120.8. Since the General Diary/Station Diary/Daily Diary is the record of all information received in a police station, we direct that all information

relating to cognizable offences, whether resulting in registration of FIR or leading

to an inquiry, must be mandatorily and meticulously reflected in the said diary and the decision to conduct a preliminary inquiry must also be reflected, as mentioned above.

5. Considering the nature of allegations, it is directed that the FIR be registered on the report made by the petitioner by following the principles laid

down in the case of Lalita Kumari (supra) and the Police shall investigate the case in accordance with law. It is further made clear that this Court has

not expressed any opinion on the merits of the case and the police shall be entitled to enquire the matter without being influenced by taking aid of the

order.

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