
(2019) 02 CHH CK 0220
In the Chhattisgarh High Court
Case No : WPCR No. 40 Of 2019

Moti Lal Sahu

APPELLANT

Vs

State Of Chhattisgarh And Ors

RESPONDENT

Date of Decision : 14-02-2019

Acts Referred:

Constitution Of India, 1950 — Article 226

Citation : (2019) 02 CHH CK 0220

Hon'ble Judges : R.C.S. Samant, J

Bench : Single Bench

Advocate : Devarshee Thakur, R.K. Bhagat

Final Decision : Disposed Of

Judgement

R.C.S. Samant, J

1. Heard.

2. The present petition has been brought under Article 226 of the Constitution of India praying for issuance of appropriate direction.

3. It is submitted that the petitioner has been defrauded by the Chitfund Company namely Garima Groups, in which he made an investment of Rs.

2,50,000/- in the various schemes of the Company because of the inducements given by the agents and other persons concerned. False promises were

made that the deposited money will be doubled within a short span of time and refunded to the investors.

4. Later on, the schemes in which the petitioner had made deposits were banned by the SEBI which has been upheld by the Supreme Court.

5. Therefore, the petitioner is cheated. The petitioner when approached for lodging of an F.I.R., his F.I.R. could not be lodged because of the

influence that the Respondent exercised on the Executive Department.

6. Learned State Counsel opposes the petition and submits that this Court is inclined to pass an order to investigate the case. The same shall be investigated accordingly.

7. Keeping in view the ratio laid down by the Hon'ble Supreme Court in Lalita Kumari Vs. Government of Uttar Pradesh & Others (2014) 2 SCC 1 I, am fully inclined to allow this petition at the motion stage.

8. The petition is allowed and it is directed that the State shall register F.I.R. on the report made by the petitioner and by following the principles laid down in the case of Lalita Kumari (supra), the case shall be investigated in accordance with law.

9. Accordingly, this petition is disposed of.