

Rajmani Tripathi vs The State Of Madhya Pradesh on 7 March, 2025

Author: Vishal Dhagat

Bench: Vishal Dhagat

NEUTRAL CITATION NO. 2025:MPHC-JBP:10902

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IN THE HIGH COURT OF MADHYA PRADESH
AT JABALPUR
BEFORE
HON'BLE SHRI JUSTICE VISHAL DHAGAT
ON THE 7th OF MARCH, 2025
WRIT PETITION No. 8353 of 2025
RAJMANI TRIPATHI
Versus
THE STATE OF MADHYA PRADESH AND OTHERS
Appearance:
Shri Rakesh Dwivedi - Advocate for petitioner.
Shri Mukund Agrawal - Government Advocate for State.

ORDER

Petitioner has filed this writ petition making following prayers :-

"i. Issue a writ in the nature of Mandamus, directing Respondent Nos. 2 to 4 (police authorities) to register an FIR against Respondent Nos. 5 to 9 for offences committed under the Bhartiya Nyaya Sanhita, 2023, including Sections 316, 318, 61(2) and other relevant provisions, and to initiate a thorough and impartial investigation into the matter, in accordance with the complaint dated 22/01/2025, annexed as P - 2;

ii. Direct the Respondent Police Authorities to conduct a time-bound investigation and submit a status report before this Hon'ble Court;

2. Counsel appearing for the petitioner submitted that petitioner has filed a complaint before In-charge Police Station Amahiya, District Rewa. He had made allegations in complaint regarding commission of cognizable offence by respondent Nos. 5 to 9. It is further submitted that said complaint has not been considered and decided by Station House Officer, Police Station Amahiya, District Rewa. It is submitted that Station House Officer may be directed to take a decision on complaint of petitioner so that petitioner can know what is the next course of action to be taken and NEUTRAL CITATION NO. 2025:MPHC-JBP:10902 2 WP-8353-2025 can file application under

Section 156(3) or under Section 200 of Cr.P.C., and if complaint is accepted and FIR is lodged then petitioner is not required to take any recourse.

3. Counsel for the petitioner relied on judgment rendered in case of Rajendra Singh Pawar vs State of M.P. and other s, reported in I.L.R. [2021] M.P. 289, wherein following directions were issued to respondent authorities :-

"(i) Whenever a complaint is filed at police station, concerned Police Officer shall examine the complaint and if required preliminary inquiry be done to ascertain whether information reveals any cognizable offence.

(ii) Investigating Officer shall either register First Information Report if complaint/information discloses cognizable offence or proceed under Section 155 of the Code of Criminal Procedure, if no cognizable offence is disclosed or if no offence is made out then complainant shall be informed that his complaint has been filed. Police Officer shall process all complaints received within a period of 15 days. If due to some reasons, it is not possible for concerned Police Officer to process the complaint and take action on it within said time, he shall take aforesaid action within maximum period of 42 days after receiving of complaint.

(iii) Every complaint which is received by Investigating Officer shall be entered into General Diary, as per M.P. Police Regulation 634 maintained at the Police Station and a number on which said complaint is entered in General Diary shall be given to the complainant. Superintendent of Police shall keep a check that such complaints are decided within the stipulated time mentioned above as per the directions of Apex Court. If complaints remain pending for more than 42 days then Superintendent of Police shall initiate Departmental Enquiry against delinquent Police Officer.

(iv) It is observed that in offences of cheating and fraud, Investigating Officer/Station House Officer is taking a long time NEUTRAL CITATION NO. 2025:MPHC-JBP:10902 3 WP-8353-2025 to register an offence under Indian Penal Code or to dispose off complaint in accordance with law. Principal Secretary, Home/Director General of Police shall issue directions to Superintendent of Police to sensitize all Police Officers on filed when offence of cheating is made out and when only a civil wrong is made out so that concerned Police Officer can process the complaints/applications made in case of economic offence of cheating and fraud expeditiously."

4. Government Advocate appearing for the State opposed the prayer and submitted that petitioner has alternate remedy available to him under the law.

5. Heard the counsel for the petitioner as well as respondents/State.

6. Considering the judgment rendered in the case of Rajendra Singh Pawar vs State of M.P. and other s, reported in I.L.R. [2021] M.P. 289, , writ petition filed by the petitioner is disposed off with direction to Station House Officer, Police Station Amahiya, District Rewa to consider the complaint filed by petitioner and take appropriate action as per directions given in case of Rajendra Singh Pawar (supra) within a period of 15 days from the date of receipt of certified copy of the order passed today. Result of scrutiny of complaint and action taken on it shall be conveyed to petitioner.

7. With aforesaid direction, writ petition is disposed off.

(VISHAL DHAGAT) JUDGE as