

Om Prakash Mishra vs The State Of Madhya Pradesh on 28 February, 2025

Author: Pranay Verma

Bench: Pranay Verma

NEUTRAL CITATION NO. 2025:MPHC-IND:5357

1
IN THE HIGH COURT OF MADHYA PRADESH
AT INDORE
BEFORE
HON'BLE SHRI JUSTICE PRANAY VERMA
ON THE 28th OF FEBRUARY, 2025
WRIT PETITION No. 6162 of 2025
OM PRAKASH MISHRA
Versus
THE STATE OF MADHYA PRADESH AND OTHERS
Appearance:
Shri Jayesh Gurnani - Advocate for the petitioner.
Shri Dr. Amit Bhatia - Advocate for respondents/State.

ORDER

1 . By this petition preferred under Article 226 of the Constitution of India, the petitioner has prayed for the following relief(s):-

"(i) That, the instant petition may kindly be allowed and the respondent No.3 may kindly be directed to act upon the complaint dated 27/5/2024 filed by the petitioner within a time bound period in the light of law laid down by the Hon'ble Supreme Court of India in the case of Lalita Kumar (supra) and this Hon'ble Court in the case of Rajendra Singh Pawar (supra);

(ii) That, the respondent No.2 may kindly be directed to act upon the complaint dated 13/9/2024 in the light of law laid down by the Hon'ble Supreme Court of India in the case of Lalita Kumari (supra) and this Hon'ble Court in the case of Rajendra Singh Pawar (supra);

(iii) That, the cost of this petition may kindly be awarded to the petitioner and any other relief as this Hon'ble Court deem fit in the light of equity, justice and good conscience may also be granted in favour of the petitioner."

2. Learned counsel for the petitioner submits that petitioner has filed a complaint on 27/5/2024 at police station Bagli, Dewas against respondents No.4 to 6 for commission of cognizable offence under Sections 316, 318, 336, 338, and 340 of Bhartiya Nyaya Sanhita, 2023. It is submitted that despite lapse of NEUTRAL CITATION NO. 2025:MPHC-IND:5357 2 WP-6162-2025 more than nine months, no action on the complaint has been taken. A prayer has been made for a direction for action to be taken upon the complaint of the petitioner. Reliance has been placed on the decision of this court in the case of Rajendra Pawar & Ors. vs. State of M.P & Ors.

(2021) 2 MPLJ 100.

3. In Rajendra Singh Pawar & Ors. vs. State of M.P & Ors (supra), it has been held as under :-

"11. In the instant case aforesaid directions and law are not followed by Station House Officer / Investigating Officer after receiving complaint. Complainant is not informed about result of preliminary inquiry/scrutiny done by the Investigating Officer. If such result is informed to the complainant, then he can resort to remedy available to him under the law, but the complaint filed by a person remains unattended. To weed out the problem which is being faced by complainant/informant in respect of economic offences at the police station following directions are reiterated :-

"(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 complaint/information discloses cognizable offence or proceed under Section 156 of the Cr.P.C, 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 NEUTRAL CITATION NO. 2025:MPHC-IND:5357 3 WP-6162-2025 the stipulated time mentioned above as per the directions of Apex Court. If complaints remain pending for more than 42 days the 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 Office is taking a long time to register an offence under Penal Code, 1860 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 offense 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. This writ petition filed by the petitioner stands disposed off with direction to respondent No.3 Station House Officer, Police Station Bagli, Dewas to consider the complaint filed by the petitioner and take appropriate action as mentioned above within a period of 90 days from the date of receipt of certified copy of the order passed today. Result of scrutiny of complaint and action shall be conveyed to petitioner.

C.c. as per rules.

(PRANAY VERMA) JUDGE SS/-