



2026:CGHC:12859-DB

NAFR

HIGH COURT OF CHHATTISGARH AT BILASPUR

WPCR No. 148 of 2026

1 - Gayatri Jaiswal W/o Vinod Jaiswal Aged About 34 Years R/o Jaijaipur,
Police Station - Jaijaipur, District - Sakti, Chhattisgarh.

... Petitioner(s)

Versus

1 - State of Chhattisgarh Through Its Secretary, Department of Home Affairs,
Mahanadi Bhawan, Nava Raipur, Atal Nagar, District - Raipur, Chhattisgarh.

2 - The Director General of Police Police Headquarters (PHQ), Nava Raipur,
Atal Nagar, District - Raipur, Chhattisgarh.

3 - The Inspector General of Police Bilaspur Range, Bilaspur, District -
Bilaspur, Chhattisgarh.

4 - The Superintendent Of Police District - Sakti, Chhattisgarh.

5 - The Station House Officer Police Station Sakti, District - Sakti,
Chhattisgarh.

6 - Amarnath Sahu S/o Phoolsay Sahu Aged About 30 Years R/o Khursura,
Police Station Bilaigarh, District - Sarangarh-Bilaigarh, Chhattisgarh.

... Respondent(s)

For Petitioner	:	Shri Shantam Awasthy, Advocate.
For State	:	Shri S.S. Baghel, Govt. Advocate.

Hon'ble Shri Justice Ramesh Sinha, CJ

Hon'ble Shri Justice Ravindra Kumar Agrawal, J

Order on Board

18.03.2026

Per, Ramesh Sinha, CJ.

1 The petitioner has filed this petition with the following prayer/reliefs:

“(i) Issue a Writ of Mandamus or any other appropriate writ, order, or direction, commanding the Respondent Authorities to immediately execute the arrest of the private respondent, Amarnath Sahu, in connection with FIR No. 0031/2026 registered at Police Station Sakti for offenses punishable under Sections 64(2)(m) and 351(2) of the Bharatiya Nyaya Sanhita, 2023.

(ii) Issue a Writ of Mandamus directing the Respondent Authorities to provide immediate and adequate police protection to the Petitioner and her family members to ensure their safety from the ongoing threats and criminal intimidation.

(iii) Monitor the progress of the investigation through the mechanism of Continuing Mandamus, requiring the Respondent Police to submit periodic status reports before this Hon'ble Court to ensure the integrity of the probe and to prevent any further institutional apathy or bias.

(iv) Award the costs of the petition in favor of the Petitioner and against the Respondent Authorities for their manifest negligence and dereliction of statutory duties.

(v) Pass any other such order or relief as this Hon'ble Court may deem fit and proper in the interest of justice, equity, and good conscience.”

- 2 Brief facts of the case are that, the petitioner who is a victim of offence of rape allegedly suffered by the act of respondent No.6, has filed this petition under Article 226 of the Constitution of India for a direction to the police authorities to immediately arrest the respondent No.6 and to properly investigate into the matter. It is pleaded in the writ petition that on her report, an FIR of Crime No.31 of 2026 has been registered against the respondent No.6 at Police Station Sakti for the offence under Sections 64(2)(m) and 351(2) of BNS, 2023. FIR was registered on 23.01.2026, however, there is no substantial progress in the investigation of the case and the respondent No.6 is left free by the

police authorities. By the passive act of the police authorities, the respondent No.6 intimidating her for withdrawal of her complaint. The respondent No.6 is an accused in a cognizable offence and he should be arrested without warrant. Since he is coercing the petitioner for withdrawal of her complaint, immediate action is required to be taken against him by the police authorities. The petitioner has made complaint to Superintendent of Police on 12.02.2026 about threatening given to her by the respondent No.6 and his family members and on 16.02.2026 to the Inspector General of Police, Bilaspur Range, however, no action have been taken against respondent No.6 by the police authorities and therefore interference of this court for due, effective and immediate investigation of the FIR is necessary for which the petitioner has filed this present writ petition.

- 3** Learned counsel for the petitioner would submit that after lodging FIR by her on 23.01.2026 no substantial progress in the investigation has been carried out by the police authorities and the respondent No.6 and his family members are regularly giving threatening to her for withdrawal of her complaint. Due to conduct of respondent No.6 as well as inaction on the part of police authorities, the authorities may be directed to take immediate steps to arrest the respondent No.6 and to investigate the matter in a fair and proper manner without any further delay. The complaint made by the petitioner have also not been taken care by the higher police authorities and she suspects any untoward incident at any point of time. Therefore, the authorities may be directed as prayed in the present writ petition.

- 4 We have heard the counsel for the petitioner and perused the material annexed with the petition.
- 5 From perusal of FIR it transpires that offence under Sections 64(2)(m) and 351(2) of BNS, 2023 have been registered on 23.01.2026 against the respondent No.6 on the complaint made by the petitioner. After registration of FIR, the matter is still under investigation. Any direction with respect to carrying out investigation in any particular manner by this court would prejudice fair and independent investigation by the police authorities. Once the FIR is registered, the police is legally bound to investigate the matter which includes visiting the crime scene, collecting evidence and recording statements, however, registration of FIR does not make the arrest of an accused mandatory and police cannot be directed to arrest someone immediately solely because FIR has been filed. Arrest is a coercive step that must be justified, and it is not an automatic consequence of registering FIR. Further, one can not lose sight of the fact that an allegation of sexual abuse casts serious aspersions on the character of the person made accused and affects his reputation.
- 6 Thus, at this stage, this court does not find any good ground to entertain the writ petition for the relief claimed by the petitioner. The petition fails and is accordingly dismissed.

Sd/-
(Ravindra Kumar Agrawal)
Judge

Sd/-
(Ramesh Sinha)
Chief Justice