

**HIGH COURT OF CHHATTISGARH AT BILASPUR****WPCR No. 159 of 2026****VISHWAS GUPTA *versus* STATE OF CHHATTISGARH****Order Sheet**

23.03.2026	Heard Mr. Sanjay Agrawal and Ms. Vidhi Matlani, learned counsel for the petitioners as well as Mr. Shashank Thakur, learned Additional Advocate General, appearing for the State/respondent No.1. Learned counsel for the petitioners submits that the impugned order dated 07.03.2026 passed by the learned Judicial Magistrate First Class, Durg, in MJC Criminal Case No. 80/2026 is wholly illegal, arbitrary and unsustainable in the eyes of law, inasmuch as the learned Magistrate has mechanically directed registration of an FIR against the petitioners without conducting any preliminary inquiry as mandated under
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the newly enacted statutory framework, and without insisting upon the complainant to file a duly sworn affidavit in support of the allegations. It is further submitted that the learned Magistrate has exercised jurisdiction in excess of the powers conferred upon him by law, as no reasons have been recorded reflecting application of judicial mind, nor have any statements of witnesses been recorded prior to issuance of such direction. It is also contended that the petitioners have been seriously prejudiced as no opportunity of hearing or notice was afforded to them before passing the impugned order, and thus, the same has been passed in gross violation of principles of natural justice. Hence, the impugned order deserves to be quashed.

Considering the facts and circumstances of the present case, and having regard to the seriousness of the allegations as well as the apparent non-compliance of the judicial order dated 07.03.2026 passed by the learned Judicial Magistrate First Class, Durg, this Court deems it appropriate to seek a personal



response from the police authority of the State. Accordingly, the Director General of Police, State of Chhattisgarh, is directed to file a personal affidavit placing on record a detailed explanation as to why the Station House Officer concerned of Police Station City Kotwali, Durg, Chhattisgarh, has failed to register the First Information Report in pursuance of the aforesaid order.

The affidavit shall specifically indicate the steps, if any, taken by the concerned police authorities in compliance of the said order, the reasons for such inaction or delay, and the accountability, if any, fixed upon the erring official(s). It shall also clarify whether any departmental proceedings have been initiated or are proposed against the concerned official for non-compliance of the judicial direction.

This Court expects strict compliance, particularly in light of the settled legal position that directions issued by a competent court of law are binding upon the investigating agency and cannot be ignored or



circumvented without justifiable cause. The continued failure to act upon such direction, prima facie, raises serious concerns regarding dereliction of duty and undermines the authority of the judicial process.

List this matter for further consideration on 25.03.2026, on which date the aforesaid affidavit shall be positively filed.

Learned State counsel is directed to forthwith communicate a copy of this order to the Director General of Police, State of Chhattisgarh, for immediate information, compliance, and for taking such further steps as may be warranted in accordance with law.

Sd/-
(Ravindra Kumar Agrawal)
Judge

Sd/-
(Ramesh Sinha)
Chief Justice