



2026:CGHC:14260-DB



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NAFR**HIGH COURT OF CHHATTISGARH AT BILASPUR****WPCR No. 159 of 2026**

1. Vishwas Gupta S/o Ashok Gupta Aged About 42 Years R/o- Sanichri Bazaar Durg Tehsil And District- Durg (C.G.)
2. Manish Sharma S/o Late Ratan Sharma Aged About 52 Years R/o Near Vijay Daal Mill, Shivpara Durg Tehsil And District Durg (C.G.)
3. Sajal Jain S/o Devendra Kumar Jain Aged About 40 Years R/o Jai Anand Parisar, Jain Gali Durg Tehsil And District- Durg (C.G.)
4. Smt. Amrita Khandelwal W/o Sachin Khandelwal Aged About 50 Years R/o A/30, Khandelwal Colony, Durg Tehsil And District- Durg (C.G.)
5. Kamla Devi Bothra (Dead) W/o Moolchand Bothra Aged About 80 Years At Present Through Kanti Lal Bothra Aged About 57 Years, S/o- Moolchand Bothra R/o- 9/16, Rishabh Nagar, Durg Tehsil And District Durg (C.G.)

... Petitioner(s)**versus**

1. State of Chhattisgarh Through Station House Officer Police Station City Kotwali Durg Tehsil And District Durg (C.G.)
2. Padam Jain S/o Late Kastur Jain Aged About 74 Years R/o Arihant Heights, Flat No. A Block/ 404, Khandelwal Colony, Durg Tehsil And District Durg (C.G.)
3. Smt. Renu Devi Jain W/o Padam Jain Aged About 72 Years R/o Arihant Heights, Flat No. A Block/ 404, Khandelwal Colony, Durg Tehsil And District Durg (C.G.)



4. Smt. Rupali Jain W/o Pranay Kumar Jain Aged About 40 Years
R/o- Arihant Heights, Khandelwal Colony, Durg Tehsil And District-
Durg (C.G.)
5. Smt. Arti Jain W/o Ritesh Jain Aged About 47 Years R/o Jain Gali,
Jai Anand Parisar, Ward No. 32, R/o Arihant Heights, Flat No. A
Block/ 404, Khandelwal Colony, Durg Tehsil And District Durg
(C.G.)
6. Rupesh Jain S/o Tejpal Jain Aged About 52 Years R/o Jayanand
Parisar, Jain Gali Durg, District Durg (C.G.)

...Respondent(s)

(Cause-title taken from Case Information System)

For Petitioners	:	Mr. Sanjay Agrawal, Advocate.
For Respondent/State	:	Mr. Shashank Thakur, Additional Advocate General.

Hon'ble Shri Ramesh Sinha, Chief Justice

Hon'ble Shri Ravindra Kumar Agrawal, Judge

Order on Board

Per Ramesh Sinha, Chief Justice

25.03.2026

1. Heard Mr. Sanjay Agrawal, learned counsel for the petitioners.
Also heard Mr. Shashank Thakur, learned Additional Advocate General,
appearing for the State.
2. The present writ petition has been filed by the petitioners with the
following prayers:

*“10.1 That this Hon’ble Court may kindly be pleased to
call for the entire records of the MJC Criminal Case*



*No. 80 of 2026 from the learned Judicial Magistrate
First Class, Durg, District Durg (C.G.)*

*10.2 That the Hon'ble Court be pleased to quash the
order dated 07.03.2026 passed by the learned Judicial
Magistrate First Class, Durg, District Durg (C.G.) in
MJC Criminal Case No. 80 of 2026 as mentioned in
the complaint.*

*10.3 Any other relief in the discretion of this Hon'ble
Court. Any other relief, which the Hon'ble Court deems
fit and proper under the facts and circumstances, may
also be provided to the petitioners."*

3. Learned State counsel submits that in compliance of the order dated 23.03.2026 passed by this Court, the Director General of Police, Chhattisgarh, Raipur has filed his personal affidavit on 24.03.2026.

4. The relevant portion of the aforesaid affidavit reads as under:

*"4. That, in compliance of the Hon'ble Court's order
dated 23.03.2026, the deponent most humbly and
respectfully submits as under:-*

*a. That, he is a law abiding person and holds the
highest regards and great respect for the lawful
authority of this Hon'ble Court and its orders and
directions issued from time to time.*

b. That, adhering to the directions contained in the



*order dated 07.03.2026 passed by the learned Judicial Magistrate, First Class, Durg in MJC Criminal Case No. 80/2026, an FIR bearing Crime No. 0151/2026 punishable under Section 318(4) and 3 (5) of the B.N.S, 2023 has immediately been registered at P.S. Kotwali, Durg District Durg (CG.) against the petitioners and one Rupesh Jain (non applicant no. 1 herein) on 23.03.2026. To demonstrate this fact, copy of the FIR No. 0151/2026 dated 23.03.2026 is being filed herewith as **Annexure A/1**.*

c. That, the deponent respectfully submits that to comply with the order dated 23/03/2026 passed by the Hon'ble Court, the deponent has immediately acted upon the letter dated 23/03/2026 of the office of the Advocate General, Bilaspur and in furtherance of the same, vide letter dated 23/03/2026 the Senior Superintendent of Police, District Durg has been directed to seek explanation from the Investigation Officer/ Station House Officer, P.S. Kotwali as to why the FIR pursuant to the order dated 07.03.2026 passed by the learned Judicial Magistrate, First Class Durg has not been registered. To demonstrate this fact, copy of the letter dated 23.03.2026 is being filed



herewith as **Annexure A/2**.

d. That, the deponent respectfully submits that acting upon the direction contained in the aforesaid letter dated 23.03.2026 of PHQ, Raipur (Annexure A/2), explanation has been sought from the Inspector Navin Rajput, Station House Officer, PS Kotwali Durg vide letter dated 23.03.2026 and to demonstrate this fact, copy of the letter dated 23.03.2026 is being filed herewith as **Annexure A/3**. The explanation has been submitted by the Inspector Navin Rajput, SHO, City Kotwali Durg on 23.03.2026. Copy of the explanation dated 23.03.2026 is being filed herewith as **Annexure A/4**.

e. That, the deponent respectfully submits that the explanation given by the Inspector Navin Rajput, SHO, City Kotwali Durg was duly considered by the Inspector General of Police and Senior Superintendent of Police, Durg and the same was found unsatisfactory and taking into consideration the dereliction of duty on the part of the said police official as pursuant to the order/direction issued by the learned Judicial Magistrate, First Class, Durg, the offence against the petitioners ought to have



*been registered immediately which the said police official has failed to do so, the Senior Superintendent of Police, Durg vide order dated 23.03.2026, has imposed punishment upon him. To demonstrate this fact, copy of the order dated 23.03.2026 is being filed herewith as **Annexure A/5**. However, looking to the gravity of misconduct / dereliction of duty on the part of the Inspector Navin Rajput, SHO, City Kotwali Durg, the punishment imposed upon him is found to be inadequate and therefore, the Inspector General of Police, Durg Range has again been directed to review /re-consider the order of SSP. Durg by considering the misconduct committed by the said police official. To demonstrate this fact, copy of the letter dated 24.03.2026 is being filed herewith as **Annexure A/6**.*

f. It is respectfully submitted that the deponent is a law abiding person and duty bound to adhere to and abide by the orders of the Hon'ble Court."

5. From perusal of the said affidavit, it transpires that in compliance with the order dated 07.03.2026 passed by the learned Judicial Magistrate First Class, Durg, an FIR bearing Crime No. 0151/2026 has been registered at Police Station Kotwali, Durg on 23.03.2026 against



the petitioners and one Rupesh Jain for the offences punishable under Sections 318(4) and 3(5) of the Bharatiya Nyaya Sanhita, 2023.

6. It is further evident that the competent authorities have taken cognizance of the delay in registration of the FIR and an explanation was sought from Inspector Navin Rajput, Station House Officer (SHO), Police Station Kotwali, Durg. Upon due consideration, the explanation furnished by the said officer was found unsatisfactory by the Inspector General of Police as well as the Senior Superintendent of Police, Durg. Consequently, the Senior Superintendent of Police, Durg, vide order dated 23.03.2026, imposed punishment upon him. However, considering the gravity of misconduct and dereliction of duty on the part of the said officer, the punishment so imposed appears to be inadequate. Accordingly, the Inspector General of Police, Durg Range has been directed to review/reconsider the order passed by the Senior Superintendent of Police, Durg, taking into account the nature and seriousness of the misconduct.

7. In view of the subsequent developments and compliance reported in the affidavit, learned counsel for the petitioners seeks permission to withdraw the present petition with liberty to avail appropriate remedy, if so advised.

8. Prayer is allowed.

9. Accordingly, the present writ petition stands **dismissed as withdrawn** with liberty as prayed for.

10. Certified copies of the order-sheet along with order dated



07.03.2026 and other documents, if any, shall be returned to the petitioners after retaining photocopies thereof for record.

11. However, the Inspector General of Police, Durg Range is directed to file a personal affidavit indicating the outcome of the review of the disciplinary proceedings initiated against Inspector Navin Rajput, SHO, Police Station City Kotwali, Durg. The said affidavit shall be filed before the Registrar General of this Court, who shall place the same before us in Chamber, for perusal, within a period of four weeks from today.

12. The Registrar (Judicial) is directed to forward a copy of this order to the Inspector General of Police, Durg Range for information and necessary compliance.

13. Certified copy, as per rules.

Sd/-
(Ravindra Kumar Agrawal)
Judge

Sd/-
(Ramesh Sinha)
Chief Justice