



2026:CGHC:23529-DB



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NAFR**HIGH COURT OF CHHATTISGARH AT BILASPUR****WPCR No. 299 of 2026**

Rajkumar Ratre S/o Pritam Lal Ratre Aged About 46 Years R/o Village
Nandeli, Post Office Sonthi, Police Station Sakti, District Sakti (C.G.)

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

1. State of Chhattisgarh Through- The Secretary, Department of Home, Mantralaya, Atal Nagar, Mahanadi Bhawan, New Raipur, District- Raipur (C.G.)
2. Director General of Police Head Quarter, Indrawati Bhawan, Naya Raipur, District Raipur, (C.G.)
3. The Inspector General of Police Bilaspur, District Bilaspur (C.G.)
4. The Superintendent of Police Sakti, District Sakti (C.G.)
5. Sub Divisional Officer (Police) Sakti, District Sakti (C.G.)
6. Station House Officer Police Station- Sakti, District Sakti (C.G.)

...Respondent(s)

(Cause-title taken from Case Information System)

For Petitioner	:	Mr. Jeet Ram Patel, Advocate.
For Respondent/State	:	Mr. Priyank Rathi, Government Advocate.



Hon'ble Shri Ramesh Sinha, Chief Justice

Hon'ble Shri Bibhu Datta Guru, Judge

Order on Board

Per Ramesh Sinha, Chief Justice

02.06.2026

1. Heard Mr. Jeet Ram Patel, learned counsel for the petitioner. Also heard Mr. Priyank Rathi, learned Government Advocate, appearing for the State/respondents.
2. The present writ petition has been filed by the petitioner with the following prayers:

"10.1 That this Hon'ble Court may kindly be pleased to call for the record for the respondents with regard to action taken by the respondents on the complaint of the petitioner.

10.2 That, this Hon'ble Court may kindly be pleased to direct the respondent authorities to register First Information Report (FIR) on the basis of the complaint submitted by the petitioner regarding theft of motorcycle, in the interest of justice.

10.3 That, this Hon'ble Court may kindly be pleased to direct the respondent authorities to conduct fair, impartial, and time bound investigation into the matter, in the interest of justice.



10.4 That, any other relief which the Hon'ble Court may deemed fit and proper also be granted to the petitioner, in the interest of justice."

3. Learned counsel for the petitioner submits that the petitioner is the registered owner of a Honda Motorcycle (SP 125 DLX DISK) bearing Registration No. CG 11 BS 1463 and Chassis No.ME4JC94EGSG288357, which was purchased on 28.07.2025. It is submitted that on 25.02.2026 at about 07:30 p.m., while the said motorcycle was parked at Budhwari Bazar (Vegetable Market), Sakti, unknown persons committed theft of the vehicle within the territorial jurisdiction of respondent No. 4. Immediately after noticing the theft, the petitioner made sincere efforts to trace and recover the motorcycle on his own; however, despite diligent search, the vehicle could not be located.

4. Learned counsel for the petitioner further submits that without any delay and in accordance with law, the petitioner submitted a written complaint dated 27.02.2026 to the concerned Station House Officer through registered post, clearly disclosing the commission of a cognizable offence of theft. Copies of the said complaint were also forwarded to the concerned Sub-Divisional Officer of Police, the Superintendent of Police, and the Home Secretary of the State, requesting immediate registration of an FIR and investigation into the matter. He also submits that when no action was taken by the local police authorities, the petitioner approached the higher authorities



seeking information regarding the status and progress of his complaint.

Pursuant thereto, the competent authority directed respondent No. 2 to take action on the petitioner's complaint in accordance with law and to communicate the action taken to the petitioner. Despite such directions from the higher authority, the respondent authorities failed to discharge their statutory obligations.

5. Learned counsel for the petitioner further contended that although the complaint disclosed the commission of a cognizable offence and was duly received by the concerned authorities, no First Information Report has been registered till date. More than three months have elapsed since the lodging of the complaint, yet the respondent authorities have neither registered the FIR nor initiated any lawful investigation. The inaction of the respondents is deliberate, arbitrary, and contrary to the mandate of criminal law. He also contended that the failure of the respondent authorities to register the FIR despite receipt of credible information regarding the commission of a cognizable offence amounts to a clear dereliction of statutory duty and is violative of the petitioner's rights guaranteed under the Constitution of India. The petitioner has been left remediless despite approaching the authorities repeatedly and exhausting all available administrative remedies.

6. Learned counsel for the petitioner further submitted that the issue is no longer res integra. The Hon'ble Supreme Court in ***Lalita Kumari v. Government of Uttar Pradesh & Others***, reported in **(2014) 2 SCC 1**, has authoritatively held that registration of an FIR under Section 154



of the Code is mandatory where the information furnished discloses the commission of a cognizable offence, and no preliminary inquiry is permissible except in exceptional categories specifically recognized by law. The complaint submitted by the petitioner unmistakably discloses the offence of theft, which is a cognizable offence, and therefore the respondent authorities were under a mandatory statutory obligation to register the FIR forthwith. Their continued refusal and inaction are patently illegal, arbitrary, and unsustainable in law, warranting interference by this Hon'ble Court in exercise of its extraordinary writ jurisdiction.

7. *Per contra*, learned State counsel submits that the grievance of the petitioner can be adequately addressed before the competent Court by filing an application under Section 156(3) or Section 200 of the Cr.P.C., now corresponding to Section 175(3) or Section 223 of the Bharatiya Nagarik Suraksha Sanhita, 2023. It is further submitted that the controversy raised in the present petition already stands settled by the judgment of the High Court of Allahabad in **Misc. Bench No. 24492 of 2020 (Waseem Haider vs. State of U.P. through Principal Secretary, Home & Others)** decided on 14.12.2020 as well as by this Court in **WPCR No. 333 of 2020 (Akhilesh Agrawal vs. State of Chhattisgarh & Others)** decided on 12.04.2023, wherein similar petitions were dismissed. Accordingly, it is submitted that the present petition also deserves dismissal on the same grounds.

8. Considering the submissions made by learned counsel for the



parties and the nature of relief sought in the present petition, this Court is of the view that the petitioner has an efficacious alternative remedy available before the competent Court under the provisions of the Bharatiya Nagarik Suraksha Sanhita, 2023.

9. In view of the same, the present writ petition is **dismissed**, with liberty to the petitioner to avail appropriate remedies before the appropriate forum.

Sd/-
(Bibhu Datta Guru)
Judge

Sd/-
(Ramesh Sinha)
Chief Justice