



HIGH COURT OF CHHATTISGARH, BILASPUR

Order Sheet

Cr.M.P. No.528 of 2023

Smt. Kiran Rohra & Ors **Versus** State Of Chhattisgarh & Anr.

09.03.2023	<p>Shri Rahul Agrawal, counsel for the Petitioners.</p> <p>Heard on admission.</p> <p>Smt M. Asha, PL appears and accepts notice on behalf of the State/Respondent No.1.</p> <p>Issue notice to Respondent No.2 only on payment of PF as per rules.</p> <p>Also heard on IA No.01/2023, an application for grant of interim relief.</p> <p>Issue notice to the said Respondent on this application also, as above.</p> <p>Shri Agrawal submits that this Petition has been filed against the impugned FIR registered by Complainant/Respondent No.2 under Section 420/34 IPC as also under Section 339 (C) of the Chhattisgarh Municipalities Act, 1961, which is without jurisdiction and prays to stay the further proceedings of the said FIR.</p> <p>Considering the facts and circumstance of the case, this Court only observes that in the present case, the concerned Investigating Officer shall strictly follow the law laid down by the Supreme Court in the matter of <i>Arnesh Kumar Vs. State of Bihar and another</i> reported (2014) 8 SCC 273, in which, it was emphasised that no arrest should be made only because the offence is non-bailable and cognizable and therefore, lawful for the police officers to do so and the said ratio has been reiterated in the matter of <i>Siddharth Vs. State of U.P. and another</i> reported in (2022) 1 SCC 676, in which, it has been categorically held that on consideration of Section 170 of Cr.PC, it does not impose an obligation on the officer-in-charge to arrest each and every accused at the time of filing of the charge sheet.</p> <p>Learned State Counsel is directed to inform the aforesaid observation to the</p>



concerned Investigating Officer for strict compliance.

Post the matter after service is complete.

Sd/-

(Deepak Kumar Tiwari)
Judge

