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**HIGH COURT OF CHHATTISGARH, BILASPUR****WPCR No. 476 of 2017**

- Duklu Ram Kawde S/o Late Jamdur Kawde, Aged About 22 Years Caste Gond (Scheduled Tribe), R/o Village Palarmeta, Police Station Amabeda, Tahsil Antagarh, District Kanker, Chhattisgarh

---- **Petitioner****Versus**

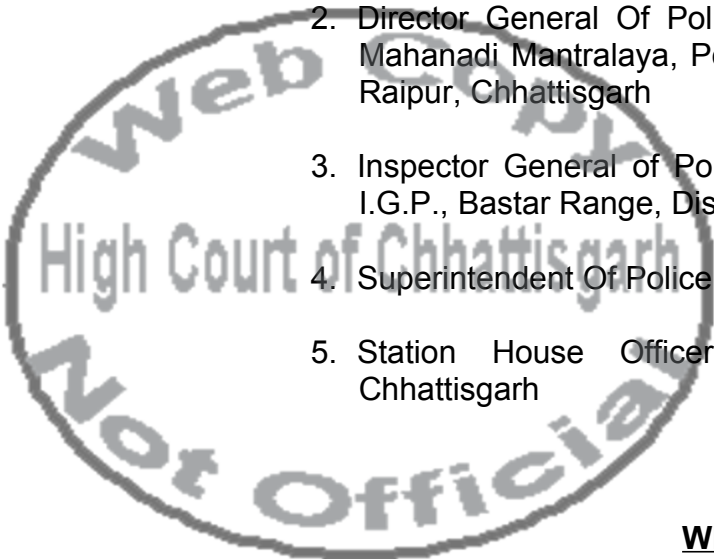
1. State of Chhattisgarh Through Its Secretary, Department Of Home Police Mahanadi Mantralaya, Police Station And Post Rakhi, New Raipur, District Raipur, Chhattisgarh
2. Director General Of Police (D.G.P.) Police Head Quarters P H Q, Near Mahanadi Mantralaya, Police Station And Post Rakhi, New Raipur, District Raipur, Chhattisgarh
3. Inspector General of Police I.G.P., Office Of Inspector General Of Police I.G.P., Bastar Range, District Bastar, Chhattisgarh
4. Superintendent Of Police, District Kanker, Chhattisgarh
5. Station House Officer, Police Station Amabeda, District Kanker, Chhattisgarh

---- **Respondents****WPCR No. 477 of 2017**

- Lalit Kumar Salam S/o Late Aanduram Salam, Aged About 23 Years Caste Gond (Scheduled Tribe) , R/o Village Palarmeta, Police Station Amabeda, Tahsil Antagarh, Distt. Kanker Chhattisgarh

---- **Petitioner****Versus**

1. State of Chhattisgarh Through Its Secretary, Department Of Home Police Mahanadi Mantralaya, Police Station And Post Rakhi, New Raipur, District Raipur, Chhattisgarh
2. Director General Of Police (D.G.P.) Police Head Quarters P H Q, Near Mahanadi Mantralaya, Police Station And Post Rakhi, New Raipur, District Raipur, Chhattisgarh
3. Inspector General of Police I.G.P., Office Of Inspector General Of Police I.G.P., Bastar Range, District Bastar, Chhattisgarh
4. Superintendent Of Police, District Kanker, Chhattisgarh



5. Station House Officer, Police Station Amabeda, District Kanker, Chhattisgarh

---- Respondent

**WPCR No. 478 of 2017**

- Dhannuram S/o Shri Siddhu Gond, Aged About 38 Years R/o Village Kanhagaon, Police Station Eragoon, Tahsil Keshkal, District Kondagaon Chhattisgarh

---- Petitioner

**Versus**

1. State of Chhattisgarh Through Its Secretary, Department Of Home Police , Mahanadi, Mantralaya, Police Station And Post Rakhi, New Raipur, District Raipur, Chhattisgarh., Chhattisgarh
2. Director General Of Police, D. G. P. Police Headquarters P H Q , Near Mahanadi Mantralaya, Police Station And Post Rakhi, New Raipur District Raipur Chhattisgarh , District : Raipur, Chhattisgarh
3. Inspector General Of Police, I. G. P. , Office Of Inspector General Of Police I. G. P. , Bastar Range, District Bastar Chhattisgarh , District : Bastar, Chhattisgarh
4. Superintendent Of Police, District Kondagaon Chhattisgarh
5. Sub Divisional Officer Police , District Kondagaon Chhattisgarh
6. Station House Officer, Police Station Eragoon, District Kondagaon Chhattisgarh

---- Respondents

**WPCR No. 479 of 2017**

1. Sagaram Kawde S/o Shri Jaisingh Kawde, Aged About 20 Years R/o Village Bandapal, Police Station Amabeda, Tahsil Antagarh, District Kanker, Chhattisgarh., Chhattisgarh
2. Smt. Bajebai Kawde, W/o Shri Jaisingh Kawde, Aged About 50 Years R/o Village Bandapal, Police Station Amabeda, Tahsil Antagarh, District Kanker, Chhattisgarh., District : Kanker, Chhattisgarh

---- Petitioners

**Versus**

1. State Of Chhattisgarh Through Its Secretary, Department Of Home police, Mahanadi Mantralaya, Police Station And Post Rakhi, New Raipur, District Raipur, Chhattisgarh., Chhattisgarh
2. Director General Of Police D G P Police Headquarters P H Q , Near Mahanadi Mantralaya, Police Station And Post Rakhi, New Raipur, District Raipur, Chhattisgarh
3. Inspector General Of Police I. G. P., Office Of Inspector General Of Police I. G. P., Bastar Range, District Bastar, Chhattisgarh
4. Superintendent Of Police, District Kanker, Chhattisgarh
5. Station House Officer, Police Station- Amabeda, District Kanker, Chhattisgarh

---- Respondents

**WPCR No. 483 of 2017**

- Gangaram Salam S/o Shri Itwaru Salam Aged About 30 Years R/o Village Palarmeta, Pancha Matla B , Post - Arra, Police Station Amabeda, Tahsil Antagarh, District Kanker Chhattisgarh

---- Petitioner

**Versus**

1. State Of Chhattisgarh Through Its Secretary, Department Of Home Police, Mahanadi Mantralaya, Police Station And Post Rakhi, New Raipur, District Raipur Chhattisgarh., Chhattisgarh
2. Director General Of Police D. G. P. Police Headquarters P H Q , Near Mahanadi Mantralaya, Police Station And Post Rakhi, New Raipur, District Raipur Chhattisgarh
3. Inspector General Of Police I. G. P. , Office Of Inspector General Of Police I. G. P. , Bastar Range, District Bastar Chhattisgarh., District : Bastar Chhattisgarh
4. Superintendent Of Police District Kanker Chhattisgarh
5. Station House Officer, Police Station Amabeda, District Kanker Chhattisgarh

---- Respondent

**WPCR No. 484 of 2017**

- Ramshuram S/o Shri Jethuram, Aged About 50 Years Caste Gada Scheduled Caste , R/o Village Binjhe, Police Station Eragoon, Tahsil

Keshkal, District Kondagaon Chhattisgarh

---- **Petitioner**

**Versus**

1. State Of Chhattisgarh Through Its Secretary, Department Of Home Police , Mahanadi, Mantralaya, Police Station And Post Rakhi, New Raipur, District Raipur, Chhattisgarh
2. Director General Of Police (D. G. P.) Police Headquarters P H Q , Near Mahanadi Mantralaya, Police Station And Post Rakhi, New Raipur District Raipur Chhattisgarh,
3. Inspector General Of Police I. G. P. , Office Of Inspector General Of Police I. G. P. , Bastar Range, District Bastar Chhattisgarh
4. Superintendent of Police, District Kondagaon Chhattisgarh
5. Sub Divisional Officer Police , District Kondagaon Chhattisgarh
6. Station House Officer, Police Station Eragaon, District Kondagaon Chhattisgarh

---- **Respondent**

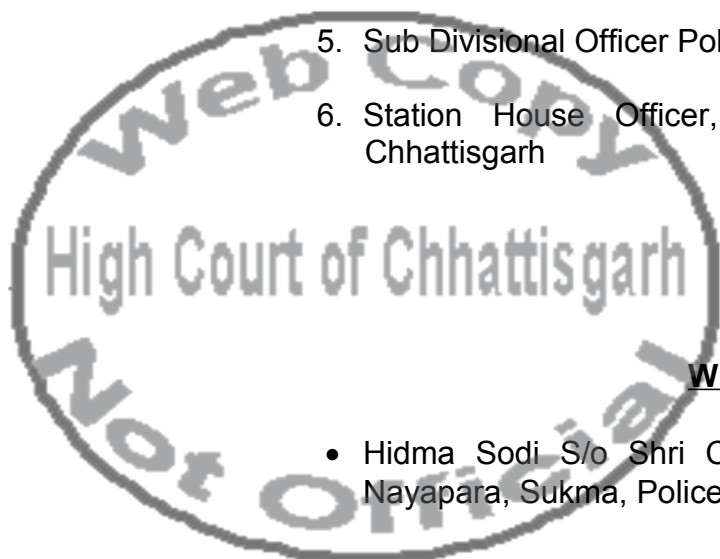
**WPCR No. 489 of 2017**

- Hidma Sodi S/o Shri Chinga Sodi, Aged About 38 Years R/o Village Nayapara, Sukma, Police Station Tahsil And District Sukma Chhattisgarh,

---- **Petitioner**

**Versus**

1. State Of Chhattisgarh Through Secretary, Department Of Home Police , Mahanadi Mantralaya, Police Station And Post Rakhi, New Raipur, District Raipur Chhattisgarh, Chhattisgarh
2. Director General Of Police D. G. P. , Police Headquarters P H Q , Near Mahanadi, Mantralaya, Police Station And Post Rakhi, New Raipur, District Raipur Chhattisgarh,
3. Inspector General Of Police I. G. P. , Office Of The Inspector General Of Police I. G. P. , Bastar Range, District Bastar Chhattisgarh
4. Superintendent Of Police, District Sukma Chhattisgarh
5. Sub Divisional Magistrate, District Sukma Chhattisgarh
6. Station House Officer, Police Station Sukma, District Sukma Chhattisgarh



---- Respondent

**WPCR No. 490 of 2017**

- Phoolchand Baghel S/o Late Sudhdharam Baghel, Aged About 26 Years Caste Gada Scheduled Caste , R/o Village Bandapal, Police Station Amabeda, Tahsil Antagarh, District Kanker Chhattisgarh , Chhattisgarh

---- Petitioner

**Versus**

1. State Of Chhattisgarh Through Its Secretary, Department Of Home Police , Mahanadi, Mantralaya, Police Station And Post Rakhi, New Raipur, District Raipur, Chhattisgarh., Chhattisgarh
2. Director General Of Police D. G. P., Police Headquarters P H Q , Near Mahanadi Mantralaya, Police Station And Post Rakhi, New Raipur District Raipur Chhattisgarh
3. Inspector General Of Police I. G. P. , Office Of Inspector General Of Police I. G. P. , Bastar Range, District Bastar Chhattisgarh
4. Superintendent Of Police, District Kanker Chhattisgarh
5. Station House Officer, Police Station Amabeda, District Kanker Chhattisgarh

---- Respondent

**WPCR No. 491 of 2017**

- Punai Bai W/o Shri Dhaniram Dugga Aged About 37 Years Caste - Gond Scheduled Tribe , R/o Village - Kiskodo , Police Station Amabeda , Tahsil Antagarh , District Kanker Chhattisgarh. , Chhattisgarh

---- Petitioner

**Versus**

1. State Of Chhattisgarh Through Its Secretary Department Of Home Police Mahanadi Mantralaya Police Station And Post - Rakhi , New Raipur District Raipur Chhattisgarh. , Chhattisgarh
2. Director General Of Police , D.G. P. Police Headquarters P H Q , Near Mahanadi Mantralaya Police Station And Post Rakhi New Raipur District Raipur Chhattisgarh.
3. Inspector General Of Police I G P Office Of Inspector General Of Police I G P Bastar Range , District Bastar Chhattisgarh

4. Superintendent Of Police, District Kanker Chhattisgarh.
5. Station House Officer , Police Station - Amabeda District Kanker Chhattisgarh.

---- Respondent

**WPCR No. 492 of 2017**

- Bhima Muchaki S/o Shri Hunga Muchaki, Aged About 35 Years R/o Village Bhehvapar, Chaitapara, Police Station Sukma, Tahsil Sukma, District Sukma, Chhattisgarh

---- Petitioner

**Versus**

1. State Of Chhattisgarh Through Its Secretary, Department Of Home police, Mahanadi Mantralaya, Police Station And Post- Rakhi, New Raipur, District Raipur, Chhattisgarh., Chhattisgarh
2. Director General Of Police D G P Police Headquarters P H Q, Near Mahanadi Mantralaya, Police Station And Post- Rakhi, New Raipur, District Raipur, Chhattisgarh.,
3. Inspector General Of Police I. G. P., Office Of Inspector General Of Police I. G. P., Bastar Range, District Bastar, Chhattisgarh
4. Superintendent Of Police, District Sukma, Chhattisgarh
5. Station House Officer, Police Station- Sukma, District Sukma, Chhattisgarh.

---- Respondent

**WPCR No. 495 of 2017**

- Dhaniram Dugga S/o Late Faguram Dugga, Aged About 40 Years Caste Gond Scheduled Tribe , R/o Village Kiskodo, Police Station Amabeda Tahsil Antagarh, District Kanker Chhattisgarh

---- Petitioner

**Versus**

1. State Of Chhattisgarh Through Its Secretary, Department Of Home Police , Mahanadi, Mantralaya, Police Station And Post Rakhi, New Raipur, District Raipur, Chhattisgarh., Chhattisgarh
2. Director General Of Police D. G. P., Police Headquarters P H Q , Near Mahanadi Mantralaya, Police Station And Post Rakhi, New Raipur District

Raipur Chhattisgarh

3. Inspector General Of Police I. G. P. , Office Of Inspector General Of Police I. G. P. , Bastar Range, District Bastar Chhattisgarh,
4. Superintendent Of Police, District Kanker Chhattisgarh
5. Station House Officer, Police Station Amabeda, District Kanker Chhattisgarh

---- Respondent

**WPCR No. 497 of 2017**

- Jairam Korram S/o Shri Sukhram, Aged About 38 Years R/o Village Telanga, Post Bandapal, Police Station Amabeda, Tahsil Antagarh, District Kanker Chhattisgarh , Chhattisgarh

---- Petitioner

**Versus**

1. State of Chhattisgarh Through Its Secretary, Department Of Home Police , Mahanadi, Mantralaya, Police Station And Post Rakhi, New Raipur, District Raipur, Chhattisgarh., Chhattisgarh
2. Director General Of Police D. G. P., Police Headquarters P H Q , Near Mahanadi Mantralaya, Police Station And Post Rakhi, New Raipur District Raipur Chhattisgarh,
3. Inspector General Of Police I G P , Office Of Inspector General Of Police I. G. P. , Bastar Range, District Bastar Chhattisgarh,
4. Superintendent Of Police, District Kanker Chhattisgarh ,
5. Station House Officer, Police Station Amabeda, District Kanker Chhattisgarh,

---- Respondent

**WPCR No. 500 of 2017**

- Manglu Ram Netam S/o Late Somaru Netam Aged About 40 Years Caste Gond Scheduled Tribe , R/o Village Uchadih, Police Station Amabeda, Tahsil Antagarh, Distt. Kanker Chhattisgarh, Chhattisgarh

---- Petitioner

**Versus**

1. State Of Chhattisgarh Through Its Secretary, Department Of Home Police ,



Mahanadi Mantralaya, Police Station And Post Rakhi, New Raipur, District Raipur Chhattisgarh,

2. Director General Of Police D. G. P. , Police Headquarters P H Q , Near Mahanadi, Mantralaya, Police Station And Post Rakhi, New Raipur, District Raipur Chhattisgarh
3. Inspector General Of Police I. G. P. , Office Of The Inspector General Of Police I. G. P. , Bastar Range, District Bastar Chhattisgarh,
4. Superintendent Of Police, District Kanker, Chhattisgarh,
5. Station House Officer, Police Station Amabeda, Distt. Kanker Chhattisgarh

---- Respondent

**WPCR No. 501 of 2017**

- Mangtaram Potai S/o Shri Budhram Potai Aged About 43 Years R/o Village Telanga , Post Arra Police Station Amabeda Tahsil Antagarh District Kanker Chhattisgarh.

---- Petitioner

**Versus**

1. State Of Chhattisgarh Through Its Secretary Department Of Home Police Mahanadi Mantralaya Police Station And Post Rakhi New Raipur District Raipur Chhattisgarh.
2. Director General Of Police , D G P Police Headquarters P H Q Near Mahanadi Mantralaya Police Station And Post Rakhi New Raipur District Raipur Chhattisgarh
3. Inspector General Of Police I G P Office Of Inspector General Of Police I G P Bastar Range , District Bastar Chhattisgarh
4. Superintendent Of Police , District Kanker Chhattisgarh.
5. Station House Officer , Police Station Amabeda , District Kanker Chhattisgarh. ,

---- Respondent

**WPCR No. 505 of 2017**

- Ramsahai Kawde S/o Late Sonu Ram Kawde, Aged About 21 Years Caste Gond Scheduled Tribe , R/o Village Devgaon, Police Station Amabeda, Tahsil Antagarh District Kanker Chhattisgarh



---- Petitioner

**Versus**

1. State Of Chhattisgarh Through Its Secretary, Department Of Home Police , Mahanadi, Mantralaya, Police Station And Post Rakhi, New Raipur, District Raipur, Chhattisgarh., Chhattisgarh
2. Director General Of Police D. G. P., Police Headquarters P H Q , Near Mahanadi Mantralaya, Police Station And Post Rakhi, New Raipur District Raipur Chhattisgarh,
3. Inspector General Of Police I. G. P. , Office Of Inspector General Of Police I. G. P. , Bastar Range, District Bastar Chhattisgarh
4. Superintendent Of Police, District Kanker Chhattisgarh ,
5. Station House Officer, Police Station Amabeda, District Kanker Chhattisgarh,

---- Respondent

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For Petitioners	:	Ms. Fouzia Mirza, Advocate
For Respondents-State	:	Shri Adhiraj Surana, Dy. GA for the State

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**Hon'ble Shri Justice Goutam Bhaduri****Order On Board****12/03/2018**

1. Heard.
2. In this batch of writ petitions common grievance is agitated and prayer is made which runs parallel to each other and thereby are being heard together.
3. The facts of these cases are that these petitions are preferred by the different persons of the village primarily of three districts Sukma, Kanker, Kondagaon of South Bastar. It is stated that the petitioners are followers of the Christian religion and they live with their family along with the villagers who also follow the same religion. It is further stated that in the month from April to July, 2017, the villagers, who are not the followers of the Christian

community in connivance with group of people made forceful entry into their houses, destroyed the household articles and abused them because they are the followers of the Christian community. The threat was also extended to the extent that if they follow the rituals of Christianity, they will face the dire consequences and further they were not allowed to cultivate their lands and were forced to leave their houses in the village. When the report was made to the police of the respective district, the police remained dormant and despite the cognizable offence was reported, no actions were taken and even the FIR was not registered. The prayer therefore, is made that the FIR be registered against the miscreants and directions also be given to the authorities to protect the life and liberty of the petitioners and their family members so that they can practice their religion without any fear or threat.

4. Learned counsel for the petitioners would submit that the right to live with dignity is guaranteed under the Constitution of India under Article 21 and Article 25 give them right to freedom of religion and also to propagate the same, therefore, under the threat or pressure, the same cannot be taken away.

5. The reply of the State is perused. The reply of the State would show that when various reports were made an enquiry was carried out to find out the veracity of the complaint. On enquiry, it revealed that the petitioners who were following the Christian religion, since denied to accept the custom and tradition of other villagers, the quarrel took place in between the villagers and the complainants. It is further been stated that the enquiry has revealed that the petitioners were also indulged in insulting the deity of the tribals and pass comments on their custom and also were alluring the villagers for conversion into Christian religion, therefore, the anger and wrath erupted. The reply shows that at the time of such attack, the damage was caused to

the complainants and because of the conduct of the petitioners, it happened. Consequently, the offence under Sections 107 & 116 (3) of the Cr.P.C. was lodged against some of the villagers.

6. Perused the documents along with the reply. The enquiry conducted by the SDOP in one of the case, is on record. The report shows that the police tried to settle the dispute in village, however, the same did not yield any result.

7. The report made by the petitioners would show that the villagers in the group attacked the house of the petitioners and damages were done including vandalizing the houses and the Church. The reply filed by the State apparently shows that despite the cognizable offence having been reported, no actions were taken, instead a via media was adopted to solve the issue by holding meeting in between the parties assigning the reason that the dispute exists in between two sets of the communities.

8. The Supreme Court in *Lalita Kumari Vs. Government of Uttar Pradesh and others* {(2014) 2 SCC 1} has held as follows:-

“120. In view of the aforesaid discussion, we hold:

**120.1.** The registration of FIR is mandatory under Section 154 of the Code, if the information discloses commission of a cognizable offence and no preliminary inquiry is permissible in such a situation.

**120.2.** If the information received does not disclose a cognizable offence but indicates the necessity for an inquiry, a preliminary inquiry may be conducted only to ascertain whether cognizable offence is disclosed or not.

**120.3.** If the inquiry discloses the commission of a cognizable offence, the FIR must be registered. In cases where preliminary inquiry ends in closing the complaint, a copy of the entry of such closure must be supplied to the first informant forthwith and not later than one week. It must disclose reasons in brief for closing the complaint and not proceeding further.

**120.4.** The police officer cannot avoid his duty of registering offence if cognizable offence is disclosed. Action must be taken against erring officers who do not register the FIR if information received by him discloses a cognizable offence.

**120.5.** The scope of preliminary inquiry is not to verify the veracity or

otherwise of the information received but only to ascertain whether the information reveals any cognizable offence.

**120.6.** As to what type and in which cases preliminary inquiry is to be conducted will depend on the facts and circumstances of each case. The category of cases in which preliminary inquiry may be made are as under:

- (a) Matrimonial disputes/family disputes
- (b) Commercial offences
- (c) Medical negligence cases
- (d) Corruption cases
- (e) Cases where there is abnormal delay/laches in initiating criminal prosecution, for example, over 3 months' delay in reporting the matter without satisfactorily explaining the reasons for delay.

The aforesaid are only illustrations and not exhaustive of all conditions which may warrant preliminary inquiry.

**120.7.** While ensuring and protecting the rights of the accused and the complainant, a preliminary inquiry should be made time-bound and in any case it should not exceed 7 days. The fact of such delay and the causes of it must be reflected in the General Diary entry.

**120.8.** Since the General Diary/Station Diary/Daily Diary is the record of all information received in a police station, we direct that all information relating to cognizable offences, whether resulting in registration of FIR or leading to an inquiry, must be mandatorily and meticulously reflected in the said diary and the decision to conduct a preliminary inquiry must also be reflected, as mentioned above."

9. Therefore, taking into the nature of the complaint, apparently, it appears that cognizable offence was reported by the petitioners, for which the police was duty bound to register the FIR. They could not deny the registration of the FIR. The police is not expected to act in a manner to enquire into the matter then finally forming its opinion that FIR has no value, therefore, it need not require to be registered. Reply of the State further laments that the cognizable offence was reported as damage to the persons and property was caused by the group of villagers, therefore, they were under duty to register the FIR in pursuance to the principles laid down by the Supreme Court in *Lalita Kumari* (supra). Consequently, it is directed that the police shall investigate the matter and register the FIR pursuant to the provisions laid down in *Lalita Kumari* (supra).

10. Further the reply of the State would show that the efforts were made to

settle the dispute in between two communities but petitioners refused to follow to other rituals and practice. These facts are evident from the meeting conducted by the SDOP. The petitioners who were followers of particulars sects and religion cannot be forced by mob or other villagers to practice other way of religion & practice. The opposition to follow a particular religion or culture cannot be said to be illegal as it gets a protection guaranteed by the Constitution under Article 25. The Article 25 gives a person a right to follow, profess, practice and propagate religion of his choice. The primary enquiry, which was carried out by the SDOP and report so given to the higher official would show that the villagers have pressurized the petitioners to follow their religion in a particular way and having been refused to accept the same, the incident happened.

11. As has been settled in various cases that conditioning of thought process cannot be made prescribing what to read and what not to read, insofar as, religious beliefs are concerned. The religious practices and performances of acts in pursuance of a religious belief are as much a part of religion as faith and belief in a particular doctrine. The essential part of religion and religious belief cannot be curtailed by any mob or group of people by flexing their muscles. So long as the freedom of individual group do not trench upon the further group of people who follow a different religion, the same cannot be curtailed. The petitioners are also expected to honour and not to insult any faith or deity of the other religion to supersede their culture or separate any superstition by extending any fertile attraction. The religious freedom guaranteed by Article 25 of the Constitution of India is intended to be a guide to a community life and ordain every religion to act according to its cultural and social demands. It extends to acts done in furtherance of religion, therefore, they contain a guarantee for rituals and observances,



ceremonies and modes of worships which are integral parts of a religion. The life and the personal liberty, therefore, also are recognized by the Constitution as an intrinsic and inseparable part of human and they are inalienable right and are inseparable from dignified human existence. Therefore, the enforcement authorities, who are liable to maintain the law and order cannot sit on the fence and watch the infringement of the right by any group of people inter se.

12. The State authorities have been given police powers to solve like nature of issue which runs parallel to the guarantee given by the Constitution to an individual. If the muscle power of a group of people or undue influence through superstition are allowed to suppress another religion, it would be a fraud on the constitution and in India wherein the social fabric and culture is so much diversified, it will lead to entire fragmentation of society and safety of each individual. Holding of meeting by officials do not involve such trust but aggravate the poor climate. The value of Constitution of India do not allow the happenings of like nature to be a story book of land where nobody is responsible for anything done and any citizen cannot be inundated with insult and assault.

13. As a final conclusion, it is directed that:-

(i) In the complaint, if the cognizable offence has been disclosed, the FIR is to be registered and the investigation to be carried out.

(ii) The State is bound to protect its citizens to follow their religion at their own will and allow them to propagate the same as guaranteed under Article 25 of the Constitution of India without rude and crude or insult

to any other religion.

(iii) Further the State is bound to arrest to spread superstitions by any group of people to project symbolic collapse of other religion and claim superiority.

(iv) Every citizen has a right to live with dignity and same cannot be taken away by unexpected punch or power by any group of people and State is expected to uphold freedom of liberty & thoughts of its citizen in follow of their faith & religion subject to just exception.

14. With such observation, all the writ petitions stand disposed of.

Sd/-

Goutam Bhaduri  
Judge

Ashu

