

**HIGH COURT OF TRIPURA
AGARTALA
W.P(C) 261/2023**

Smt. Soma Shil (Roy)

----Petitioner(s)

Versus

The State of Tripura and 4 ors.

----Respondent(s)

For Petitioner	:	Mr. P. Roy Barman, Sr. Advocate Mr. S. Bhattacharjee, Advocate
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For Respondent(s)	:	Mr. D. Bhattacharjee, GA Mr. Ratan Datta, PP Mr. S. Saha, Advocate
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**HON'BLE THE CHIEF JUSTICE MR. APARESH KUMAR SINGH
HON'BLE MR. JUSTICE ARINDAM LODH
Order**

22/06/2023

Heard learned senior counsel for the petitioner. Also heard learned Government Advocate and learned Public Prosecutor for the respondents-State.

The petitioner alleging post poll violence, in respect of the Tripura General Assembly Election, 2023 in Barjala Assembly Constituency by the members of a political party, lodged an FIR bearing no. Airport PS case No. 2023 ARP 028 dated 28.03.2023 under Sections 436/506/34 of the IPC. According to the petitioner, no action was being taken on the lodging of the written ejahar. The petitioner approached the respondent-authorities, and even thereafter when no action has been taken, was compelled to approach this court.

The petitioner has alleged that her house was set on fire, and household articles, ornaments etc. were destroyed. The list of items damaged in the said arson included furniture, bedding, utensils, important papers etc. Averments have also been made that the estimate of loss has been computed by the

Divisional Fire Officer (In-charge), West Division, Agartala. Petitioner has submitted representations before the Chief Secretary, Government of Tripura; the Director General of Police, West Tripura; the Chairperson, Police Accountability Commission, Tripura, and the Chairperson, Tripura Human Rights Commission. With the aforesaid grievance, the petitioner approached this court for proper investigation into the incidence and also for a direction upon the respondents to pay Rs. 20 lakh as compensation as victims of mob violence alongwith interest.

Learned senior counsel for the petitioner submits that as per the present stand of the respondents brought on record through a counter affidavit, though it is stated that further investigation is going on and necessary legal action will be taken against the persons involved, but till date they have not found any evidence to establish the allegations made in the FIR. Therefore, the investigation needs to be conducted by a superior agency or a Special Investigating Team. The petitioner would also be entitled to compensation on account of loss.

We have considered the submissions of learned counsel for the parties and taken note of the pleadings in the writ petition and also in the counter affidavit.

Initially when the writ petition was filed, the petitioner had come with a grievance that even an FIR has not been registered on the ejahar containing serious allegations of poll violence and destructions of her house and properties due to fire. However, it appears that now an FIR has been registered and the case is under investigation. As per the stand of the

respondents further investigation is being carried out and necessary legal action will be taken.

This court taking note of the instances of post poll violence had taken up the matter suo-motu in W.P(C)(PIL) 7 of 2023, in which a response has been filed by the State that about 75 FIRs were filed. Investigation is complete in some of them and charge-sheet has been filed or final form has been submitted while in some cases investigation is pending.

In such circumstances, since the investigation is under way in connection with the instant FIR, this court is of the view that the writ petition can be disposed of at this stage with a direction to the concerned Superintendent of Police, West Tripura, to get the instant matter investigated by an Officer of the rank not less than Deputy Superintendent of Police. The investigation shall be carried out in accordance with law in a time bound manner. Needless to say, if the petitioner is aggrieved by the course of investigation or the submission in final form, it is open for the petitioner-informant to make a protest application before the concerned court before whom the FIR has been registered and is being investigated. The matter would be proceeded as per the provisions of Criminal Procedure Code and in accordance with law.

Depending upon the outcome of investigation, in case the contentions of the petitioner are found to be true, she shall be at liberty to approach the competent authority under the State government for compensation in accordance with law and any Victim Compensation Scheme prevalent under the State government, which deals with cases of post poll violence or mob violence.

Needless to say in such an even the competent authority shall consider the representations of the petitioner in accordance with law and if found true release the compensation in favour of the parties.

In case the petitioner is aggrieved by the action or inaction of the authorities as regards compensation, the petitioner shall be at liberty to raise the grievance in an appropriate proceeding in accordance with law.

The instant writ petition is disposed of in the aforesaid manner.

(ARINDAM LODH),J

(APARESH KUMAR SINGH), CJ

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