

GAHC010171922023



THE GAUHATI HIGH COURT
(HIGH COURT OF ASSAM, NAGALAND, MIZORAM AND ARUNACHAL PRADESH)

Case No. : WP(C)/4549/2023

SULEKHA BEGUM

D/O- MOHID ALI, PERMANENT RESIDENT OF A.T. ROAD, JELEHUWA
GAON, P.S. DERGAON, DIST.- GOLAGHAT, ASSAM, PIN- 785614, PH-
7086890639, PRESENT ADDRESS- C/O- HOUSE NO.22, HATIGAON SHANKAR
PATH, HATIGAON, GUWAHATI- 781038

VERSUS

THE STATE OF ASSAM AND 2 ORS
TO BE REPRESENTED BY THE SECRETARY TO THE GOVT. OF ASSAM,
HOME DEPARTMENT, DISPUR, GUWAHATI- 781006

2:OFFICER-IN-CHARGE
HATIGAON POLICE STATION
GUWAHATI- 781038

3:CHAIRMAN
ASSAM POLICE ACCOUNTABILITY COMMISSION
ULUBARI- 78100

Advocate for the Petitioner : MR. N H MAZARBHUIYAN

Advocate for the Respondent : GA, ASSAM

BEFORE
HONOURABLE MR. JUSTICE ACHINTYA MALLA BUJOR BARUA
HONOURABLE MRS. JUSTICE MITALI THAKURIA

ORDER

Date : 23.08.2023
(AM Bujor Barua, J)

Heard Mr. MH Saikia, learned counsel for the petitioner. Also heard Mr. R Talukdar, learned Government Advocate for the respondents.

2. This writ petition has been instituted by Ms. Sulekha Begum, *inter alia*, alleging that she had lodged an FIR on 01.06.2023 before the Officer-in-Charge of Hatigaon Police Station and the FIR is annexed as Annexure-1 to the writ petition. This writ petition is instituted on the following prayers:

“Under the circumstances, it is humbly prayed that this Hon’ble Court would be pleased to admit this petition, call for the records, issue Rule calling upon the Respondents to show cause, if any, as to why a writ in the nature of Mandamus or any other appropriate writ, order or direction the Respondent No.2 to register a case on the basis of FIR dated 01/06/2023 lodged with him and make a proper investigation of the same to bring the culprit to book and after hearing the parties and on perusal of records make the Rule absolute by issuing such writ Order or direction as Your Lordships may deem fit and proper for the interest of justice.

-AND-

For this act of kindness the petitioner in duty bound shall ever pray.”

3. A reading of the prayer in the writ petition goes to show that the only grievance of the petitioner is that the FIR filed by her has not been accepted and correspondingly no police case has been registered. No other grievance is ventilated in this writ petition.

4. Mr. R Talukdar, learned counsel for the respondents has produced a communication from the Officer-in-Charge of Hatigaon Police Station dated 22.08.2023 addressed to Mr. R Talukdar, learned Junior Government Advocate wherein it is stated that pursuant to the ejahar lodged by the petitioner on 01.06.2023, Hatigaon Police Station Case No.224/2023 under Sections 406/376 IPC has been registered and an Investigating Officer has been entrusted with the investigation of the matter. The communication dated 22.08.2023 is extracted as below:

“To

Dated: 22/08/2023

The Office of the Senior Govt. Advocate
Shri Ratul Talukdar
Jr. Govt. Advocate, Assam
Guwahati High Court, Assam

Sub: Submission of report

Ref: Memo No.JRGA/RT/2023

Respected Sir,

With reference to the subject cited above I have the honor to inform you that on dated 31/05/2023 one lady namely Sulekha Begum 21 years R/O- AT Road, Jelehuwa, Fetabasti, Feta gaon PS- Dergaon Dist: Golaghat lodged a written complaint stating that she and her boyfriend Rafiqul Islam Mondal 26 years of Bislashipara Dist Dhubri has been in a live-in-relationship and had multiple sexual relationship with the complainant in the promise of marrying the complainant. Later on above said alleged person failed to fulfill her promise and they broke up in the beginning of 2023. Accordingly, O/C Hatigaon made a GDE Entry Vide Hatigaon PS GDE No-1216/23 Dated 31/05/23 endorsed the enquiry in the name of SI Shajahan Ali to cause the enquiry.

During the Course of enquiry SI Shajahan Ali cause an enquiry and submitted a report on Dated 23.07.23 stating that the facts mentioned in the FIR are true and need further investigation. Hence, a case is registered by O/C Hatigaon vide Hatigaon PS Case No-244/23 U/S-406/376 IPC and endorsed the case to WSI(P) Ringki Hazarika to investigate the Case.

During investigation I.O has visited the PO, recorded the statement of the Complainant and the available witnesses U/S 161 Cr.PC. Further, Victim woman was sent

to GMCH, Bhangagarh for the Medical Examination wherein she has denied to undergone medical Examination. Afterwards Victim lady has been sent to Hon'ble Court and recoded her statement U/S 164 Cr.PC. Moreover, the case is under investigation.

Submitted for the favour of your kind perusal and oblige.

Yours faithfully,
Officer-in-Charge
Hatigaon Police Station
East Police District"

5. In view of such information from the respondents that a police case has been registered, we see no further requirement of maintaining this writ petition. Accordingly, the writ petition stands closed. The Police may investigate the matter and bring the same to its logical end.

6. A copy of the communication dated 22.08.2023 is kept as part of the record.

7. Writ petition stands disposed of.

JUDGE

JUDGE

Comparing Assistant