

GAHC010188682019



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

Case No. : WP(C)/5799/2019

MAMONI BEGUM
W/O- ALIM KHAN, R/O- RUKMINI NAGAR, OBC COMPLEX, P.O-
SACHIBALAYA, P.S- DISPUR, DIST- KAMRUP(M), ASSAM, PIN- 781006

VERSUS

THE STATE OF ASSAM AND 4 ORS
THROUGH THE SECRETARY TO THE GOVT OF ASSAM, HOME AND
POLITICAL AFFAIRS DEPTT, DISPUR, GUWAHATI- 06

2:THE DIRECTOR GENERAL OF POLICE
ASSAM
ULUBARI
GUWAHATI- 781007

3:THE COMMISSIONER OF POLICE
PANBAZAR
GUWAHATI- 781001

4:THE OFFICER IN CHARGE
DISPUR
P.S DISPUR
GUWAHATI- 781006

5:THE DIRECTOR OF ANIMAL HUSBANDRY AND VETERINARY
CHENIKUTHI
GUWAHATI- 78100

Advocate for the Petitioner : MR. JUNM LASKAR

Advocate for the Respondent : GA, ASSAM

**BEFORE
HONOURABLE MR. JUSTICE MANISH CHOUDHURY**

ORDER

Date : 11-04-2023

There is no representation on behalf of the petitioner today on call. On the previous two dates of listing also i.e. on 30.05.2022 & on 10.06.2022, there was no representation on behalf of the petitioners on call.

2. Ms. M. Barman, learned Junior Government Advocate, Assam for all the respondents is present.

3. The petitioner has instituted the instant writ petition seeking inter alia a direction to the respondent authorities to immediately register the First Information Report [FIR], stated to have been submitted by the petitioner before the respondent no. 4. It was the grievance of the petitioner that the respondent no. 4 despite receipt of FIR on 03.07.2019, did not register a case.

4. Ms. Barman, learned Junior Government Advocate, Assam has referred to the affidavit-in-opposition filed on behalf of the respondent no. 3, to submit that on receipt of the FIR lodged by the petitioner, a case, Dispur Police Station Case no. 1957/2019 has been registered on 03.07.2019 itself for the offences under Sections 448/354C/506/376, Indian Penal Code r/w Section 67 of the Information Technology Act, 2000. As per the said affidavit-in-opposition filed on 03.08.2022, the investigation of the said case was then in progress.

5. With the registration of Dispur Police Station Case no. 1957/2019 on the basis of the FIR lodged by the petitioner on 03.07.2019, the main grievance of the petitioner has been redressed. The petitioner in the instant writ petition has

also prayed for proper investigation of the case after registration of the FIR. It is settled that even if a FIR has been registered and even if the police has made the investigation, or is actually making the investigation, which the aggrieved person feels is not proper, such a person can approach the Magistrate under Section 156[3] CrPC, and if the Magistrate is satisfied he can order a proper investigation and take other suitable steps and pass such order or orders as he thinks necessary for ensuring a proper investigation. The said position has also been highlighted by the Hon'ble Supreme Court of India in Sakiri Vasu vs. State of Uttar Pradesh, reported in [2008] 2 SCC 409 and in Sudhir Bhaskarrao Tambe vs. Heman Yashwant Dhage and others, reported in [2016] 6 SCC 277. It is further held therein that a writ petition in such situation is not to be entertained.

6. As the petitioner has an adequate and efficacious remedy under law and if the petitioner has grievance as regards the manner the investigation of Dispur Police Station Case no. 1957/2019 is being carried out, the petitioner may take recourse to such a remedy.

7. With the above observations, the writ petition is closed.

JUDGE

Comparing Assistant