

GAHC010030202023



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

Case No. : W.P.(Crl.)/6/2023

ABDUL JALIL TALUKDAR
S/O- LATE JASHMAT ALI TALUKDAR,
VILL- CHAPRA, MOUZA- JANIA,
P.S. AND DIST.- BARPETA,
ASSAM.

VERSUS

THE STATE OF ASSAM AND 10 ORS
REPRESENTED BY THE COMMISSIONER AND SECRETARY TO THE GOVT.
OF ASSAM,
HOME DEPARTMENT, DISPUR,
GUWAHATI-06.

2:THE SUPERINTENDENT OF POLICE
BARPETA DISTRICT
BARPETA
ASSAM
PIN- 781314.

3:THE OFFICER-IN-CHARGE
BARPETA POLICE STATION
DIST.- BARPETA
ASSAM
PIN- 788155.

4:JAMAL KHAN
S/O- LT. AZIZ KHAN

RESIDENT OF VILL- HALEKURA

MOUZA- JANIA

P.S. AND DIST.- BARPETA.

5:DANISH KHAN
S/O- LT. AZIZ KHAN

RESIDENT OF VILL- HALEKURA

MOUZA- JANIA

P.S. AND DIST.- BARPETA.

6:HAFIZUR RAHMAN
S/O- JAMAL KHAN

RESIDENT OF VILL- HALEKURA

MOUZA- JANIA

P.S. AND DIST.- BARPETA.

7:JOHER KHAN
S/O- DANISH KHAN

RESIDENT OF VILL- HALEKURA

MOUZA- JANIA

P.S. AND DIST.- BARPETA.

8:ATOWAR RAHMAN
S/O- LT. MANGLA MIA

RESIDENT OF VILL- HALEKURA

MOUZA- JANIA

P.S. AND DIST.- BARPETA.

9:LALCHAN KHAN
S/O- LT. SIRAJ KHAN

RESIDENT OF VILL- HALEKURA

MOUZA- JANIA

P.S. AND DIST.- BARPETA.

10:KRISHNA MANDAL
S/O- SRI MONGOLA MANDOL

RESIDENT OF VILL- HALEKURA

MOUZA- JANIA

P.S. AND DIST.- BARPETA.

11:AATHU MISTRI
S/O- LT. PRAHALAD ARYA

RESIDENT OF VILL- HALEKURA

MOUZA- JANIA

P.S. AND DIST.- BARPETA

Advocate for the Petitioner : MR. M U MAHMUD

Advocate for the Respondent : GA, ASSAM

BEFORE
THE HON'BLE MR JUSTICE ARUN DEV CHOUDHURY
O R D E R

29. 05. 2024

Heard Mr. MU Mahmud, learned counsel for the petitioner. Also heard Ms. U Sarma, learned counsel for the respondent Nos. 1,2 and 3 and Mr. H Ali, learned counsel for the respondent Nos. 4 to 9 and 11.

The present application under Article 226 of Constitution of India is filed praying for issuance of a writ in the nature of mandamus or any other writ or direction to the Officer-in-Charge, Barpeta Police Station to register FIR on the basis of complaint lodged by the petitioner on 30.12.2022.

A Co-ordinate Bench under its order dated 16.02.2023, issued notice. In

the meantime, the State respondent had filed an affidavit and from the affidavit, it is revealed that already an FIR has been registered and investigation has been started.

In view of the aforesaid, nothing survives to be adjudicated in the present petition.

However, at this stage, Mr. Mahmud submits that he may be permitted to file additional FIR regarding commission of crime by the respondent involving the property of the petitioner.

No such order of permission is required inasmuch as a citizen is at liberty to file FIR when some criminal offences are committed and when cognizable offences are made out from such complaint, the police also requires to register FIR. Therefore, no observation in this regard is required.

Be that as it may, as no cause of action survives for the present petition, same stands closed.

JUDGE

Comparing Assistant