

GAHC010063422024



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

Case No. : WP(C)/1734/2024

ARUN SAIKIA AND ANR
SON OF LATE ATUL SAIKIA,
RESIDENT OF HOUSE NO. 69, SHASTRI NAGAR,
FOREST GATE, NARENGI, P.O. ASEB NARENGI,
P.S.- NOONMATI, GUWAHATI- 781026,
DISTRICT- KAMRUP(M), ASSAM.

2: SATBIR SINGH
SON OF LATE MAST RAM

RESIDENT OF ROYAL SILVER HEIGHTS 5A

5TH FLOOR
KANWACHAL ROAD

SILPUKHURI
GUWAHATI- 781003

DISTRICT- KAMRUP(M)
ASSAM

VERSUS

THE STATE OF ASSAM AND 7 ORS
REPRESENTED BY THE PRINCIPAL SECRETARY TO THE GOVERNMENT OF
ASSAM,
HOME DEPARTMENT, DISPUR, GUWAHATI-06.

2:THE DIRECTOR GENERAL OF POLICE
ASSAM
ULUBARI
GUWAHATI-01.

3:THE COMMISSIONER OF POLICE

KAMRUP(M)
GUWAHATI-01.

4:THE OFFICER-IN-CHARGE
NOONMATI POLICE STATION
NOONMATI
GUWAHATI-20

DISTRICT- KAMRUP(M)
ASSAM.

5:THE OFFICER-IN-CHARGE
JALUKBARI POLICE STATION
GUWAHATI-12

DISTRICT- KAMRUP(M)
ASSAM.

6:THE IN-CHARGE
JALUKBARI POLICE OUTPOST
JALUKBARI
GUWAHATI-14

DISTRICT- KAMRUP(M)
ASSAM.

7:BELA RANI BORDOLOI
WIFE OF SRI DHARMA BORDOLOI

RESIDENT OF SHANTI NIVAS

NEAR RADISSON BLUE
JALUKBARI

P.S.- JALUKBARI
GUWAHATI-781014

DISTRICT- KAMRUP(M)
ASSAM.

8:DHARMA BORDOLOI
RESIDENT OF SHANTI NIVAS

NEAR RADISSON BLUE
JALUKBARI

P.S.- JALUKBARI

GUWAHATI-781014

DISTRICT- KAMRUP(M)
ASSAM

Advocate for the Petitioner : MR B SINHA

Advocate for the Respondent : GA, ASSAM

BEFORE
HONOURABLE MR. JUSTICE KALYAN RAI SURANA

ORDER

Date : 05.04.2024

Heard Mr. B. Sinha, learned counsel for the petitioners.

2. It is alleged in this writ petition that the Officer-in-Charge of Jalukbari Out Post had called the petitioner no.1 to the police out-post on 19.03.2024 and he was detained illegally from 10.00 AM to 07.00 PM and was released only after procuring 3 (three) cheques bearing cheque no. 000064 dated 10.04.2004 for an amount of Rs.1,00,000/-; cheque no. 000065 dated 21.03.2024 for an amount of Rs.1,00,000/-; and cheque no. 000066 dated 25.04.2024 for an amount of Rs.1,00,000/-, out of the said cheques, the respondent no.7 has encashed cheque no. 000065 dated 21.03.2024. Accordingly, the petitioner no.1 had lodged an FIR before the Noonmati Police Station, which was not registered. Hence this writ petition.

3. Heard Mrs. S. Sarma, learned Govt. Advocate appearing for the respondent nos.1 to 6. The learned Govt. Advocate has submitted that pursuant to order dated 01.04.2024, she has written to the Officer-in-Charge of Noonmati Police Station, but the said authority has not responded. The said submission of the learned Govt. Advocate is taken note of.

4. In matters like this, the law is well settled that the in the event police does not accept FIR, it would be open to the informant to either approach the concerned Commissioner of Police or Superintendent of Police to lodge his complaint or to move the jurisdictional Magistrate for registration of the complaint. In this regard, the Court is guided by the ratio of the case of *Sakiri Vasu Vs. State of U.P. & Ors. (2008) 2 SCC 409*. In this State, the aggrieved person can also approach the Assam State Police Accountability Commission, Guwahati.

5. Therefore, this is not found to be a proper case for issuance of writ to direct the police to register the FIR as the petitioner has other alternative remedy.

6. While granting liberty to the petitioners to avail any other alternative remedy, this writ petition stands closed.

7. The petitioners are also at liberty to produce a certified copy of this order along with steps taken.

JUDGE

Comparing Assistant