

GAHC010065052022



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

Case No. : WP(C)/2807/2022

CENTRAL BANK OF INDIA
A BODY CORPORATE AND DULY CONSTITUTED UNDER THE BANKING
COMPANIES (ACQUISITION AND TRANSFER OF UNDERTAKING) ACT, 1970
HAVING ITS CENTRAL OFFICE AT CHANDERMUKHI, NARIMAN POINT,
MUMBAI AND DOING THE BUSINESS OF BANKING AT DIVERSE PLACES
ALL OVER INDIA AND IN PARTICULAR A BRANCH OFFICE AT KAMPUR,
ASSAM, REPRESENTED BY ITS SENIOR MANAGER, CENTRAL BANK OF
INDIA, KAMPUR BRANCH, KAMPUR-782426, DIST- NAGAON, ASSAM

VERSUS

THE STATE OF ASSAM AND ANR
REPRESENTED BY ITS COMMISSIONER AND SECRETARY, DEPARTMENT
OF HOME GUWAHATI-781006, KAMRUP(M), ASSAM

2:THE OFFICER IN CHARGE
KAMPUR POLICE STATION
KAMPUR-782426
DIST-NAGAON
ASSA

For the Petitioner(s) : Mr. M. Sharma, Advocate.

For the Respondent(s) : Mr. B. J. Talukdar, Sr. Govt. Advocate

**BEFORE
HONOURABLE MR. JUSTICE DEVASHIS BARUAH**

ORDER

Date : 16.08.2024

Heard Mr. M. Sharma, the learned counsel appearing on behalf of the Petitioner and Mr. B. J. Talukdar, the learned Senior Government Advocate appearing on behalf of the Respondents.

2. The learned counsel for the Petitioner submits that as regards certain fraudulent activities in the ATM machine, FIRs have been lodged before the Kampur Police Station on various occasions however the Officer-in-Charge of the Kampur Police Station has not taken any steps in that regard and it is under such circumstances, the instant writ petition has been filed.

3. This Court duly takes note of the settled position of law by the Supreme Court in the case of ***Sakiri Vasu Vs. State of Uttar Pradesh and Others reported in (2008) 2 SCC 409*** wherein the Supreme Court had deprecated the entertainment of a petition in respect to non-registration of FIR or complaining as regards improper investigation and observed that the provisions of Section 156(3) of the Code of Criminal Procedure, 1973 is an adequate and efficacious remedy.

4. Taking into account the above, this Court is not inclined to entertain the instant writ petition for which the instant writ petition stands dismissed.

5. It is made clear that if the Petitioner is aggrieved by the inaction on the part of the Respondent Authorities in registration of an FIR or inadequacy of a proper investigation, the Petitioner is always be at liberty

to approach the jurisdictional Magistrate under Section 156(3) of the Code of Criminal Procedure, 1973.

JUDGE

Comparing Assistant