

GAHC010141972024



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

Case No. : WP(C)/3622/2024

RIAZ SHEIKH
S/O- LT. NURUL HOQUE, R/O- VILLAGE- BERABHANGA PART-II, P.S.
SUKCHAR, DISTRICT- SOUTH SALMARA MANKACHAR, ASSAM, PIN-
783128

VERSUS

THE STATE OF ASSAM AND 9 ORS
REPRESENTED BY THE COMMISSIONER AND SECRETARY TO THE GOVT.
OF ASSAM, HOME DEPTT., DISPUR, GUWAHATI-06

2:THE DIRECTOR GENERAL OF POLICE
ASSAM
ULUBARI
GUWAHATI-07

3:THE SUPERINTENDENT OF POLICE
SOUTH SALMARA MANKACHAR
HATSINGIMARI
PIN- 783135

4:THE OFFICER-IN-CHARGE
MANKACHAR P.S.
P.O. MANKACHAR
DIST.- SOUTH SALMARA MANKACHAR
ASSAM
PIN- 783131

5:NAJMINA BEGUM
D/O- NURUL HOQUE
R/O- VILL- DHARAKOBA
P.S. MANKACHAR

DISTRICT- SOUTH SALMARA MANKACHAR
ASSAM
PIN- 783135

6:ABUL HOQUE
S/O- LT. LALCHAND HOQUE
R/O- VILL- DHARAKOBA
P.S. MANKACHAR
DISTRICT- SOUTH SALMARA MANKACHAR
ASSAM
PIN- 783135

7:NURUL HOQUE
S/O- LT. LALCHAND HOQUE
R/O- VILL- DHARAKOBA
P.S. MANKACHAR
DISTRICT- SOUTH SALMARA MANKACHAR
ASSAM
PIN- 783135

8:AKKAS ALI
S/O- NURUL HOQUE
R/O- VILL- DHARAKOBA
P.S. MANKACHAR
DISTRICT- SOUTH SALMARA MANKACHAR
ASSAM
PIN- 783135

9:ASHAB UDDIN
S/O- NURUL HOQUE
R/O- VILL- DHARAKOBA
P.S. MANKACHAR
DISTRICT- SOUTH SALMARA MANKACHAR
ASSAM
PIN- 783135

10:ASHAD ALI
S/O- NURUL HOQUE
R/O- VILL- DHARAKOBA
P.S. MANKACHAR
DISTRICT- SOUTH SALMARA MANKACHAR
ASSAM
PIN- 78313

Advocate for the petitioner(s): Mr. MA Islam

Advocate for the respondent(s): Mr. N Goswami

Government Advocate, Assam

B E F O R E
HON'BLE MR. JUSTICE DEVASHIS BARUAH
ORDER

24.07.2024

The petitioner herein is aggrieved by the inaction on the part of the respondent authorities, more particularly, the officer-in-charge of the Mankachar Police Station as well as the Superintendent of Police, South Salmara, Mankachar, Hatsingimari, in not registering the First Information Report dated 27.05.2024 wherein serious allegations have been leveled against the accused persons.

2. This Court taking into account the settled position of law in the case of *Sakiri Vasu Vs. the State of Uttar Pradesh* reported in (2008) 2 SCC 409 is of the opinion that the petitioner would be well advised to approach the jurisdictional Magistrate under Section 156(3) of the Code of Criminal Procedure 1973, taking into account that the incident happened prior to 01.07.2024. Under such circumstances, this Court while not entertaining the writ petition grants leave to the petitioner to approach the appropriate Forum.

3. Writ petition accordingly stands disposed of.

JUDGE

Comparing Assistant