

GAHC010164582024



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

Case No. : WP(C)/4180/2024

DAIBAKI NATH
W/O- LT. RAJANI NATH, VILLAGE- MADELIGAON, PS- KALAIGAON, DIST-
UDALGURI, BTR (ASSAM)

VERSUS

THE STATE OF ASSAM AND 3 ORS
REPRESENTED BY THE COMMISSIONER AND SECRETARY TO THE GOVT.
OF ASSAM, HOME DEPARTMENT, DISPUR, GUWAHATI- 781006

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

3:THE SUPERINTENDENT OF POLICE
DARRANG
MANGALDAI
ASSAM- 784125

4:THE OFFICER-IN-CHARGE
SIPAJHAR POLICE STATION
DIST- DARRANG
ASSAM- 78414

For the petitioner (s) : Mr. S. Hoque, Advocate

For the respondent (s) : Ms. S. Baruah, Advocate

BEFORE
HON'BLE MR. JUSTICE DEVASHIS BARUAH
O R D E R

21.08.2024

Heard Mr. S. Hoque, the learned counsel appearing on behalf of the petitioner. Ms. S. Baruah, the learned counsel appears on behalf of the respondent Nos.1 to 4.

2. The petitioner herein is aggrieved by the inaction on the part of the Officer-in-Charge of Sipajhar Police Station for non-registration of the FIR lodged by the petitioner on 21.07.2024. It is seen from the record that the petitioner initially submitted the said FIR on 21.07.2024 and thereupon as there was no action taken, the petitioner submitted a copy of the said FIR to the Director General of Police, Guwahati. The learned counsel appearing on behalf of the petitioner submits that in view of the judgment of the Constitution Bench of the Supreme Court in the case of ***Lalita Kumari vs. Govt. of Up & Others***, reported in ***AIR 2014 SC 187*** and a perusal of the said FIR makes out a case of a cognizable offence, the respondents, more particularly the Officer-in-Charge of Sipajhar Police Station was statutory obligated to register the said FIR, and therefore, submits that as the respondent authorities having failed to do so, the petitioner has approached this Court.

3. This Court has duly perused the copy of the FIR which has been enclosed as Annexure-B to the writ petition. From a perusal of the said FIR it prima-facie appears that a case of a cognizable offence is made out. In that view of the matter, this Court finds no reason as to why the respondents, more particularly, the Officer-in-Charge of Sipajhar Police

Station, has not registered the FIR.

4. Accordingly, this Court disposes of the instant writ petition thereby directing the Officer-in-Charge of Sipajhar Police Station to forthwith register the said FIR filed by the petitioner on 21.07.2024 upon production of a certified copy of the instant order.

5. With the above observations and directions, the instant writ petition stands disposed of.

6. It is however made clear that the observations so made herein shall not be construed that this Court had observed anything on the merits of the said FIR. The Investigating Officer shall investigate as per the extant provisions of law.

JUDGE

Comparing Assistant