

**HIGH COURT OF TRIPURA
AGARTALA**

Crl. Petn. No. 59 of 2025

Smt. Sanchita Das W/o Sri Bishal Das, R/o Khayerpur,
Madhuban, PO- Khayerpur, PS- Bodhjungnagar, District-
West Tripura.

....Petitioner(s)

Versus

1. **The State of Tripura**, represented by the Secretary-cum-Commissioner, Home Department, Agartala.
2. **The Superintendent of Police**, Agartala, West Tripura.
3. **Officer-in-Charge, East Agartala**, Women PS, Agartala, West Tripura.

....Respondent(s)

For Petitioner(s) : Mr. Arjun Acharjee, Advocate.

For Respondent(s) : Mr. Raju Datta, PP.

Date of hearing & delivery of Judgment and order. : **19.11.2025**

Whether fit for reporting :

Yes	No
	✓

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HON'BLE MR. JUSTICE S. DATTA PURKAYASTHA

Judgment & Order(Oral)

Heard Ld. Counsel of both sides.

[2] It is the grievance of the petitioner that in the month of May, 2024, she was appointed as service manager

in the SR Motors and worked there for 1 year and then resigned from the job on 14.07.2025. There she found several malpractices and corruptions prevailing in said organization and thereafter she informed the matter to the proprietor of the same. Her further allegation is that on 14.07.2025, in evening, the accused person sexually assaulted her, smashed her dress and tried to do certain filthy acts with her in a dark place. According to the petitioner, with such allegations, she submitted one FIR to the Officer-in-Charge, East Agartala Women Police Station, but said FIR has yet not been registered.

[3] Ld. Counsel, Mr. Arjun Acharjee for the petitioner also submits that thereafter the petitioner informed the Superintendent of Police, West Tripura about such non registration of FIR. But, no action was also taken from the side of SP, West Tripura. However, any such communication made to the SP is not placed in the record.

[4] Ld. Counsel, Mr. Acharjee further submits that there is no legal bar in invoking the provision of Section 528 BNSS, by directing the police authority to register FIR, though alternative remedy is available to the petitioner to approach the Magistrate. In this regard, Ld. Counsel relies on a decision of Hon'ble the Supreme Court in the case of **Vinod Kumar Pandey and Anr. Vs. Sheesh Ram Saini and**

Ors.,(Civil Appeal arising out of SLP (C)No.7900 of 2019 decided on 10.09.2025), wherein at Para No.29, the followings were observed:

"29. Undoubtedly, the High Court(s) should discourage writ petitions or petitions under Section 482 Cr.P.C. where alternative remedies are available. Nonetheless, as observed even in *Sakiri Vasu v. State of U.P.*,[(2008)2 SCC 409] it is equally true that alternative remedy is not an absolute bar for invoking the extraordinary jurisdiction or the inherent jurisdiction of the High Court under Article 226 of the Constitution or Section 482 Cr.P.C."

[5] Ld. Counsel prays for allowing this petition filed with the prayer that a direction may be issued to the respondent to register the FIR.

[6] Ld. PP, however, opposes the prayer submitting that under Section 173(4) and sub-section (3) of Section 175 of the Bharatiya Nagarik Suraksha Sanhita (for short -BNSS), alternative remedies are available to the petitioner to approach the Magistrate for registration of the FIR and therefore, no order is required to be passed by this Court in this petition.

[7] Ld. PP also relies on a decision of the Division Bench of this Court passed in a case between **Ms. Naphtali Debbarma Vs. The State of Tripura and Ors. in WP(C) No.623 of 2025**, wherein the Court observed that since the

petitioner had an effective alternative remedy of approaching the concerned Magistrate under sub Section 156(3) of Cr.P.C corresponding to Section 175(3) of the BNSS for registration of an FIR, granting liberty to the petitioner to avail the same before the Magistrate, the writ petition was disposed of without any further effective order or direction.

Considered the submissions of the both sides.

[8] Even in the decision of the Hon'ble the Supreme Court as extracted herein above, it is also observed by the Apex Court that High Court should discourage the writ petitions or petitions under Section 482 Cr.P.C. (correspondingly Section 525 of BNSS) where alternative remedies are available.

[9] Keeping in view the above position of law and also on the ground that no special reason has been assigned by the petitioner for interference by this Court, without availing the remedy available to the petitioner first under above said provisions of BNSS, this Court is not inclined to grant the relief as prayed for. However, liberty is given to the petitioner to approach the Magistrate in this regard as per procedure of law.

[10] With such observations, the Criminal Petition is dismissed.

[11] Pending application(s), if any, shall also stand disposed of accordingly.

JUDGE

Saikat Sarma
RUDRADEEP
BANERJEE

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