

**HIGH COURT OF TRIPURA
AGARTALA**

WP(C) 146/2026

1. Smt. Minati Sen Das, wife of Sri Bhabesh Das, resident of Town Fulkumari, Udaipur, Gomati, P.O. Fulkumari-799013, P.S. RK Pur, District- Gomati, Tripura;

2. Sri Avijit Das, son of Sri Bhabesh Das, resident of Town Fulkumari, Udaipur, Gomati, P.O. Fulkumari-799013, P.S. RK Pur, District- Gomati, Tripura;

..... PETITIONERS

Versus

1. The State of Tripura, represented by the Chief Secretary, Government of Tripura, New Secretariat Complex, Gurkhabasti, Agartala, P.O. Kunjaban-799010, P.S. New Capital Complex, Sub-Division- Sadar, District- West Tripura;

2. The Secretary, Home Department, Government of Tripura, New Secretariat Complex, Gurkhabasti, Agartala, P.O. Kunjaban-799010, P.S. New Capital Complex, Sub-Division- Sadar, District- West Tripura;

3. The Director General of Police, Government of Tripura, Police Headquarters, Akhaura Road, P.O. Agartala-799001, P.S. West Agartala, District- West Tripura;

4. The Superintendent of Police, Gomati Tripura, Government of Tripura, East Bank of Jagannath Dighi, Udaipur District- Gomati, Tripura, Pin-799120;

5. The Chairperson, Tripura Commission for Women, Melarmath, Hariganga Basak Road, Agartala, West Tripura, Pin-799001;

6. The Officer-in-Charge, RK Pur Police Station, Udaipur, District- Gomati, Tripura, Pin-799120.

---Respondent(s)

For Petitioner(s)	:	Mr. J. Murasingh, Advocate
For Respondent(s)	:	Mr. Kohinoor N. Bhattacharjee GA
Date of hearing & delivery of judgment	:	09.03.2026
Whether fit for reporting	:	No

**BEFORE
HON'BLE JUSTICE DR. T. AMARNATH GOUD
Judgment & Order (Oral)**

Heard Mr. J. Murasingh, learned counsel appearing for the petitioners as well as Mr. Kohinoor N. Bhattacharjee, learned GA appearing for the State-respondents.

2. By means of filing this writ petition, the petitioners have prayed for the following reliefs:

“I. Issue Rule upon the Respondents, to show cause as to why a Writ of Certiorari and/or in the nature thereof, shall not be issued, directing them, to register the complaint, dated, 13.04.2023, lodged by the Petitioner No.1, as FIR.

II. Issue Rule upon the Respondents to show cause as to why a Writ of Mandamus and/or in the nature thereof, shall not be issued, directing them, to cause effective investigation, in connection with the complaint, dated, 13.04.2023, lodged by the Petitioner before the Officer-In-Charge, R. K Pur Police Station, Udaipur, Gomati Tripura, for rendering substantive and conscionable justice to the Petitioners.

III. Call for the records,

IV. Make the rules absolute.

V. Pass any further Order/Orders as this Hon'ble High Court considered fit and proper.”

3. Shortly stated, regarding an incident that took place on 12.04.2023 in the house of the petitioners, the petitioners have submitted a detailed written complaint against the accused persons involved therein, to the respondent No.6 herein with a prayer for lodging an FIR, but the said complaint was not registered as FIR. Thereafter, the petitioners by their representation approached the respondent no. 4, but the petitioners failed to get any redress. Left with no option, the petitioners approached the respondent no. 5 by filing a complaint against the accused persons, but the same was not addressed to. Finding no other alternative, the petitioners submitted an

application to the respondent no. 1 narrating the entire incident, but no steps were taken. Ultimately, the petitioners have approached this court by filing this writ petition seeking direction upon the respondents to register the complaint lodged by the petitioner no. 1 by the appropriate authority and to cause effective investigation into the matter.

4. Learned counsel appearing for the petitioners submitted that the petitioner No.1 was severely attacked in her house and her modesty was outraged by the miscreants, but due to the inaction of the respondents, the petitioners are deprived of their constitutional rights. Learned counsel for the petitioners further submitted that it was the duty of the respondent no. 6 to register her complaint but for some unknown reason, respondent no. 6 and thereafter the other official respondents were not inclined to treat her complaint as FIR. In fine, learned counsel has sought for a direction for registering her complaint as FIR.

5. This court has meticulously gone through the record and the communications. A plain and simple reading of Section 154 Cr.P.C. makes it imperative upon the informant to first approach the officer-in-charge of the police station for the purposes of lodging an FIR in respect of a cognizable offence and when the police refuses to record such information, the remedy is to approach the concerned Superintendent of Police. It is only when no action is taken even by the Superintendent of Police and the information of commission of a cognizable offence is not being

recorded by the officer-in-charge of the police station or even by the Superintendent of Police, then the person aggrieved or the informant may move to the court of the Magistrate concerned to get the FIR registered and lodged with the concerned police station. Sub-section (3) of Section 156 Cr.P.C simply empowers the Magistrate to order an investigation of a cognizable offence. Section 190 of the Cr.P.C. empowers the Magistrate to take cognizance of an offence. In view of the provisions of Section 190 read with Section 156(3), the Magistrate is empowered to take cognizance of any offence not only on the basis of the police report submitted under Section 173 of the Cr.P.C. but also upon receiving a complaint from any person, other than the police officer. On a conspicuous reading of the provisions of Sections 154, 156 and 190 of the Cr.P.C together, it is crystal clear that an informant who wants to report about a commission of a cognizable offence in the first instance has to approach the officer-in-charge of the police station for lodging an FIR. However, if such information is not accepted by the officer-in-charge of the police station, the remedy of the informant is to approach the Superintendent of Police concerned. If he is not successful, he may approach the Magistrate under Section 156(3) Cr.P.C for necessary action or of taking cognizance in accordance with Section 190 of the Cr.P.C. It is well recognized in law that the person aggrieved must first exhaust the alternative remedies available to him in law before approaching under Article 226 of the Constitution of India.

6. In ***Sakiri Vasu v. State of U.P.***, reported in **(2008) 2 SCC 409**, the apex court has categorically observed that *if a person has a grievance that his FIR has not been registered by the police, or having been registered, proper investigation is not being done, then the remedy of the aggrieved person is not to go to the High Court under Article 226 of the Constitution of India, but to approach the Magistrate concerned under Section 156(3) Cr.P.C. If such an application under Section 156(3) CrPC is made and the Magistrate is, prima facie, satisfied, he can direct the FIR to be registered, or if it has already been registered, he can direct proper investigation to be done which includes in his discretion, if he deems it necessary.* From the above decision rendered by the apex court, where it has been pointed out that a complainant can approach the High Court if a Magistrate refuses to direct the police to file an FIR. In this case, without exhausting the remedies under Section 156(3) Cr.P.C. corresponding to Section 175(3) BNSS, 2023, the petitioner has approached this High Court by filing the instant writ petition for mandamus, which according to this court is not permissible in the set facts of this case.

7. At this juncture, learned GA appearing for the State-respondents has in all fairness submitted that the complaint dated 12.04.2023 has been taken on record by the concerned police officer and a specific FIR dated 09.03.2026 has been lodged, and the police shall proceed in accordance with the provisions of law. This court hopes and trusts that the concerned

police official shall definitely act into the FIR in accordance with law.

8. This court finds it strange to note that when a complaint is made and all the allegations are cognizable in nature, there is no indication as to why the concerned police officer has taken three long years to register the FIR. Such kind of delay and laches by the police authorities having received an application speaks only about their conduct and responsibilities towards the citizens. This kind of action cannot be appreciated by the Court.

9. Therefore, this court directs **(i) The Secretary, Home, Government of Tripura; (ii) The Director General of Police, Tripura**, to look into the matter and keep a vigil upon such erred police officers and ascertain the reason for causing delay in registering FIR and, accordingly issue necessary instructions and take appropriate action against them.

10. With the above discussions and observations made, this writ petition stands dismissed. As a sequel, pending application(s), if any, also stands disposed.

JUDGE

SAIKAT KAR

Digitally signed by
SAIKAT KAR
Date: 2026.03.12
18:24:08 -04'00'