

THE HIGH COURT OF TRIPURA
_A_G_A_R_T_A_L_A_

WP(CRL.) NO.33 of 2015

Sri Shyamal Saha,
S/o Late Pran Gobinda Saha,
Ward No - 6, Indra Nagar, P.S - East Agartala,
Agartala, West Tripura, PIN - 799 006.

..... *Petitioner.*

- Vs -

1. **The State of Tripura,**
(To be represented by the Secretary to the
Government of Tripura, Department of Home,
New Secretariat Building, New Capital complex,
Kunjaban, Agartala, West Tripura, Pin - 799 006.
2. **The Director General of Police,**
Police Head Quarter,
Fire brigade Chowmuhani,
Agartala, West Tripura.
3. **The Superintendent of Police,**
Police Head Quarter,
Fire Brigade Chowmuhani,
Agartala, West Tripura.
4. **The Officer-in-charge,**
West Agartala Police Station,
Agartala, West Tripura.
PIN - 799 001.

..... *Respondents.*

_B_E_F_O_R_E_
HON'BLE THE CHIEF JUSTICE MR. DEEPAK GUPTA
HON'BLE MR. JUSTICE S C DAS

For the petitioner : Mr. P Roy Barman, Advocate,
Mr. P Maishan, Advocate.

For the respondents : Mr. A Ghosh, Public prosecutor.

Date of hearing and
delivery of judgment : **25.8.2015.**

Whether fit for reporting :

Yes	No
	✓

JUDGMENT & ORDER (ORAL)

(Deepak Gupta, CJ)

The grievance of the petitioner is that despite a written complaint made by him on 7th July, 2015 the Officer-in-Charge of the West Agartala Police Station has not recorded an FIR in terms of Section 124(1) of Cr.P.C and has not followed the law laid down under Section 155 of Cr.P.C or the law laid down by the Apex Court in ***(2014) 2 SCC 1, Lalita Kumari Vs. Govt. of U.P. and others.***

2. The petitioner is a street hawker/vendor. He claims that he has a licence for the last 30 years to run some tiffin shop opposite Rabindra Bhavan. His grievance as reflected in the complaint is that on 6th July, 2015 the Agartala Municipal Council illegally demolished his shop and removed the material which was inside his shop.

3. It is not clear whether this was a permanent shop or not. The fact is that the petitioner is also a writ petitioner in WP(C) No.321 of 2015 wherein the grievance of the petitioner is that he should not be disturbed from the place where he is running a shop except in accordance with law but he has not made an averment in this regard in this petition and has concealed this fact from the Court. That writ petition is being dealt with by a learned single Judge of this Court. It would be better if the petitioner either approaches the same Court with this application or he files a petition under Section 156 of Cr.P.C before the Magistrate concerned because from

the facts we cannot clearly say that a cognizable offence is made out.

4. We, therefore, without going into the merits, dismiss this petition with liberty reserved to the petitioner to either approach the learned single Judge who is dealing with the writ petition for appropriate direction(s) in the matter or to approach the Magistrate under Section 156 Cr.P.C. In the said petition the petitioner may also make a complaint that the provisions of Section 155 Cr.P.C have not been complied with.

JUDGE

CHIEF JUSTICE

Sukhendu