

**IN THE HIGH COURT OF MANIPUR
AT IMPHAL**

W.P. (C) No.461 of 2017

Lungthuilung Riamei

...Petitioner/s

- Versus -

State of Manipur and 3 Ors.

...Respondent/s

**B E F O R E
HON'BLE MR. JUSTICE K H. NOBIN SINGH**

ORDER

31.01.2020

[1] Heard Shri M. Rakesh, learned Advocate appearing for the petitioner and Shri Niranjana Sanasam, learned Government Advocate appearing for the respondents.

[2] By the instant writ petition, the petitioner has prayed for issuing a writ of mandamus or any other appropriate writ to direct the respondents to hand over the investigation of Criminal Case under FIR No.19(3)2017 Patsoi P.S U/S 307/325/34 IPC and 25 (1-C) Arms Act to CB-CID and be handled by a well experienced police officer.

[3] According to the petitioner, he is one of the villagers of Namthanjang Village, who has been doing various activities for the welfare of his villagers from time to time.

[4] On 13.02.2017, the petitioner tried to lodge a written report dated 11.02.2017 with the Officer-in-Charge, Patsoi Police Station against 7(seven) individuals, who had committed certain criminal acts against the petitioner and his villagers. On that day, a Police Officer namely Sub-Inspector Sanjeeb Thounaojam perused the complaint and

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he made a phone call to his superior officer. Thereafter, he refused to receive the complaint application. On the next day, the petitioner went to the police station; met the respondent No.4 and requested him to receive the complaint. However, the respondent No.4 refused to receive the complaint without assigning any reason. As the Officer-in-Charge, Patsoi, Police Station refused to receive the said written report, the petitioner preferred an application dated 20.02.2017 addressed to the Superintendent of Police, Imphal West District requesting him to take appropriate action in the matter.

[5] On 09.03.2017, in response to the direction given by the respondent No.3, a Criminal Case under FIR No.19(3)2017 Patsoi P.S U/S 307/325/34 IPC and 25 (1-C) Arms Act was registered by the respondent No.4. After the registration of the said FIR, the respondent No.4 endorsed the same to the one Sub-Inspector of Police for investigation. But I.O did not take any investigation properly in accordance with law and he did not attempt to arrest the accused persons in respect of the said FIR. Being aggrieved by the inaction on the part of the respondents and in particular, investigating officer, the instant writ petition was filed by the petitioner. An affidavit on behalf of the respondent Nos.2, 3 & 4, has been filed wherein it has been stated that the investigation could not be completed, as there was no co-operation from the complainant for recording his statement under Section 161 of Cr.P.C and that it was found that a case under FIR No.59(12)2016 PSI PS u/s 326/427/34 IPC had been registered against the complainant.

[6] When the matter is taken today, it has been submitted by the learned counsel appearing for the petitioner that the instant writ petition can be disposed by issuing an innocuous order and accordingly, the instant writ petition stands disposed of with the direction that the

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respondents and in particular, respondent No.4 shall complete the investigation in respect of the case under FIR No.19(3)2017 Patsoi P.S U/S 307/325/34 IPC and 25 (1-C) Arms Act within a period of three months from today and file a charge sheet, if any prima facie case is made out after the investigation.

JUDGE

A.Surjit