

WP(C) No.252 of 2021

Th.Ibomcha Singh

....Petitioner

-Versus-

State of Manipur & 3 Ors

....Respondents

BEFORE

HON'BLE MR. JUSTICE LANUSUNGKUM JAMIR

(Video Conference)

31.03.2022

Heard Mr.Seityandra, learned counsel for the petitioner as well as Mr.Niranjan, learned GA appearing on behalf of the State respondents.

The petitioner is before this Court praying for a direction to the respondents to take appropriate and necessary actions in connection with the report dated 26.04.2020 which was filed before the Officer-in-Charge, Hiyanglam P.S, report dated 30.04.2022 filed by the wife of the petitioner before the Superintendent of Police, Kakching District, Manipur as well as the application dated 22.06.2020 made by the petitioner to the Director General of Police, Manipur with regard to the allegations that the petitioner was physically assaulted by some persons with regard to dispute of land.

The respondent Nos.2 to 4 has filed counter affidavit and in para-7 of the said counter, it is stated that an inquiry was conducted by the SDPO Kakching to look into the complaint made by the petitioner. During the said inquiry it transpires that on 27.04.2020, the Police team of Hiyanglam Police Station peacefully dispersed the crowd, mostly working in the fields who were arguing with the petitioner on the issue of unsettled land issues. The Inquiry Officer, i.e. SDPO Kakching also submitted that the petitioner had cheated some people by taking money from them and assuring to give Jamabandi for the khas land of Kharungpat area while he was

serving as AS&SO, Thoubal. However, the petitioner denies that he has cheated some of the persons with regard to issuance of Jamabandi.

The law is settled with regard to non-registration of FIR by the Hon'ble Supreme Court in the case of **Sudhir Bhaskarrao Tambe Vs Hemant Yashwant Dhage & Ors** reported in **(2016) 6 SCC 277** and the relevant portion reads as under:

*“2. This Court has held in **Sakiri Vasu v State of U.P ((2008) 2 SCC 409**, 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) CrPC. 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 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, recommending change of the investigating officer, so that a proper investigation is done in the matter. We have said this, in **Sakiri Vasu case (2008) 2 SCC 409** because what we have found in this country is that the High Courts have been flooded with writ petitions praying for registration of the first information report or praying for a proper investigation.”*

In that view of the matter, if the petitioner is aggrieved that the FIR has not been registered by the Police, the petitioner is directed to approach the Magistrate concerned under Section 156(3) Cr.P.C. Thereafter, the concerned Magistrate, if he is prima facie satisfied, shall take appropriate steps in accordance with law.

With the above observations and directions, the writ petition is disposed of.

Furnish a copy of this order to the learned counsel for all the parties through their respective e-mails/whatsapp.

JUDGE

Priyjit

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PRIYOJIT SINGH
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