

Serial No. 04
Regular List

HIGH COURT OF MEGHALAYA
AT SHILLONG

Crl.Petn. No. 50 2022

Date of Order: 16.12.2022

Smti. Aibansiewdor Marbaniang Vs. State of Meghalaya & Ors.

Coram:

Hon'ble Mr. Justice W. Diengdoh, Judge

Appearance:

For the Petitioner/Appellant(s)	:	Mr. P.K. Borah, Adv.
For the Respondent(s)	:	Mr. R. Gurung, GA.
		Mr. H. Abraham, GA. for R 1-4.
		None for R 5.

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| i) | Whether approved for reporting in Law journals etc.: | Yes/No |
| ii) | Whether approved for publication in press: | Yes/No |

ORAL:

Heard Mr. P.K. Borah, learned counsel appearing on behalf of the petitioner.

Also heard Mr. R. Gurung, learned GA appearing on behalf of the State respondents No. 1-4.

Bereft of unnecessary details, the learned counsel for the petitioner would submit that an FIR was lodged before the Officer-in-Charge, Mawlai

Police Station on 20.07.2022 informing the police of an alleged case of assault, wherein it was reported that the respondent No. 5 and some other unknown persons have entered the premises of the petitioner and has attacked and assaulted her. The said FIR was never registered and no information was given to the petitioner as to why the same was not registered, prompting the petitioner to resort to the provision of Section 154 (3) Cr.P.C with an intimation to the Superintendent of Police, East Khasi Hills District about the incident and also the non-registration of the said FIR.

It is however submitted that instead of a proper criminal case being registered, the police has filed a report before the Additional District Magistrate at Shillong and cause registration of C.R. Case No. 45 (A) of 2022 under Section 107 Cr.P.C.

Being aggrieved by the said proceedings, the petitioner is before this Court with a prayer that an application under Section 154 (3) Cr.P.C may be acted upon by the authorities concerned.

The learned GA on behalf of the State respondents No. 1-4 has fairly conceded to a point of law in this respect and has submitted that the complaint of the petitioner did contain some element of a cognizance offence being committed. It is submitted that the concerned Superintendent of Police, East Khasi Hills District may be directed to take necessary action as regard the said application under Section 154 (3) Cr.P.C filed by the petitioner

herein.

Having heard the learned counsels for the parties, and on the admission of the learned GA, this Court would dispose of this case by directing the Superintendent of Police, East Khasi Hills District to take immediate action on the said FIR lodged by the petitioner.

In view of the above, this petition is accordingly disposed of. No costs.

Meghalaya
16.12.2022
"D. Nary, PS"



Judge