

**IN THE GAUHATI HIGH COURT**  
**(THE HIGH COURT OF ASSAM, NAGALAND, MEGHALAYA,**  
**MANIPUR, TRIPURA, MIZORAM AND ARUNACHAL PRADESH)**  
**ITANAGAR BENCH**

*WP(C) NO.263 OF 2012*

**Sri Tame Nguba,**  
Lutak Village,  
P.O. & P.S. Gensi,  
West Siang District.

..... *Petitioner*

- *Vs* -

**1. State of Arunachal Pradesh,**  
Through Commissioner(Home),  
Government of Arunachal Pradesh,  
Itanagar.

**2. The Deputy Commissioner,**  
West Siang District, Aalo.

**3. The Superintendent of Police,**  
West Siang District, Aalo.

**4. Officer In-Charge,**  
Likabali Police Station,  
West Siang District.

**5. Sri Jumkar Karbi,**  
Circle Officer,  
P.O./P.S. Likabali,  
District-West Siang.

..... *Respondents.*

**BEFORE**

**THE HON'BLE MR. JUSTICE S.C. DAS**

For the petitioner : Mr. L. Tenzin, Advocate  
Mr. K. Saxena, Advocate  
Ms. T. Tsom, Advocate

For the respondents : Mr. R.H. Nabam, Sr. G.A.  
Mr. K. Jini, Advocate  
Mr. R. Karbi, Advocate  
Mr. D. Kamduk, Advocate  
Mr. T. Gadi, Advocate,  
Mr. D. Loyi, Advocate  
Mr. T. Doye, Advocate.

Date of hearing : **16.08.2012**

Date of delivery of  
order : **16.08.2012**

## ORDER

Heard learned counsel, Mr. L. Tenzin for the petitioner and learned Sr. G.A., Mr. R.H. Nabam for the State respondents as well as learned counsel, Mr. K. Jini for respondent No.5.

**2.** It is submitted by learned counsel for the petitioner that the petitioner lodged an FIR with the Officer In-Charge of Likabali P.S., West Siang District on 01.04.2012, alleging commission of cognizable offence committed by respondent No.5. The Officer In-Charge of the P.S. did neither register the case nor take any action on the FIR lodged by the petitioner. Copies of the FIR were also marked to the Deputy Commissioner, the Superintendent of Police, the Sub-Divisional Officer, etc. but no action was taken. Thereafter, the petitioner approached the Deputy Commissioner and the Superintendent of Police in writing about the occurrence, but no action was taken by them. The legal right of the petitioner has been infringed by the police authority and, therefore, the petitioner approached this Court for directing the Officer In-charge of the P.S. to register his case and to take up investigation.

**3.** Learned Sr. G.A., Mr. Nabam prays for some time to obtain instruction and to file an appropriate counter affidavit.

**4.** Learned counsel, Mr. Jini for respondent No.5 submits that respondent No.5 is a responsible officer of the Government and he was duly discharging his duties in the '*Mela*',

where the petitioner was found creating disturbance under the influence of liquor and, therefore, a police case was filed against him and that case is under investigation, and since a police case has already been instituted against him, to get rid of the charge of that case, the petitioner made a false complaint before the Officer In-Charge of the P.S., having no basis at all. Learned counsel, therefore, prays for affording him a few days time to file a detail counter affidavit.

**5.** I have considered the submission of learned counsel of both side. The petitioner annexed copy of the FIR lodged by him along with Medical Certificate, showing that he suffered injuries.

**6.** The simple case of the petitioner is that he lodged an FIR, which discloses a cognizable offence, but the Officer In-Charge of the P.S. did not register the case.

**7.** It is the primary duty of a police officer to accept an FIR lodged by a common man, if it discloses a cognizable offence irrespective of the fact against whom the FIR has been lodged. Every citizen has a right to protect his life and liberty and, in the event of such right is infringed, he has right to approach the appropriate authority for legal action.

**8.** While an FIR was lodged alleging cognizable offence, it was the duty of the police officer to receive it and to register the case and to take up investigation. Refusal to register the complaint made by a citizen is the denial of the fundamental right of a person of his right to life with dignity. What

consequence will emerge after the case is registered is a subject of investigation, but it was necessary for the police authority to register the case when the FIR was lodged.

**9.** I find no justification at all to give time to the respondents to file counter affidavit in the case. It is simply a sheer inaction of the police authority to register the case and to take up investigation. If the allegation is found false after investigation, the course of law is open for initiating action against the maker of a false FIR. I find it appropriate to rely on the ratio of the decision of the Apex Court in the case of ***Ramesh Kumari v. State(NCT Delhi) & Ors.*** reported in ***(2006) 2 SCC 677***, wherein under similar circumstances the apex Court was pleased to direct registration of an FIR and to investigate the case by CBI.

**10.** Under the facts and circumstances, while it is evident that the FIR lodged by the petitioner was not accepted and registered by the Officer In-Charge of the concerned P.S., it is hereby directed that the Officer In-charge of the concerned P.S. should accept the FIR and register the case and to take up investigation according to law.

**11.** With the above direction, the writ petition stands disposed of.

**12.** Send a copy of this order to all concerned.

**JUDGE**

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