

Mrs. Santosh Devi Vs. State of Uttarakhand and Others

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Court : Uttaranchal

Decided On : Apr-03-2013

Judge : U.C. Dhyani

Appeal No. : Criminal Writ Petition No. 339 of 2013

Appellant : Mrs. Santosh Devi

Respondent : State of Uttarakhand and Others

Advocate for Pet/Ap. : Mr. Sayed Nadeem

Judgement :

U.C. Dhyani, J. (Oral)

1. Mr. Sayed Nadeem, learned counsel for the petitioner submitted that he has been directed by the Uttarakhand State Legal Services Authority to provide legal assistance to the petitioner, who is a poor lady.

2. Sub-section (1) of Section 154 Cr.P.C. provides for lodging of first information report in respect of cognizable offence. Sub-section (3) of the said Section provides that any person aggrieved by a refusal on the part of an Officer in charge of a police station to record the information may send the substance of such information to the Superintendent of Police concerned. In case the first information report is not lodged or the Superintendent of Police concerned also ignores the request of the informant, then, in such a contingency, sub-section (3) to Section

156(3) Cr.P.C. provides that any Magistrate empowered under Section 190 Cr.P.C., may order such an investigation, which any officer in charge is required to investigate. In case, the request for instituting the first information report is not acceded to by the Magistrate under Section 156(3) Cr. P.C., yet another avenue is open to the complainant under Chapter XV of the Code whereby a complaint may be made to the Magistrate concerned.

3. This Court cannot, therefore, direct the respondents no. 2 and 3 to lodge the first information report against the respondent no. 4, in view of the above scheme of Cr.P.C. An efficacious and alternative remedy is available to the petitioner for the same. The writ petition is accordingly disposed of summarily at the threshold.

4. This will not, however, prevent the petitioner from taking recourse to any or all the above provisions of law before the appropriate authorities as may be advised to her. District Legal Services Authority, Haridwar is requested to provide free legal assistance to the petitioner to enable her to approach the police authority (ies) or the court concerned in her endeavour to get the first information report lodged in respect of the cognizable offences.

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