

IN THE HIGH COURT OF MANIPUR
AT IMPHAL

WP(C) No. 351 of 2026

Smt. Sorokhaibam Surbala Devi, aged about 43 years old,
W/o (L) Kshetrimayum Premananda Singh, a resident of
Laingam Khul Lamshang Bazar, P.O. & P.S. Lamshang, Imphal
West District, Manipur – 795146.

... **Petitioner**

-Versus-

1. The State of Manipur, represented by the Chief Secretary, Govt. of Manipur, having its office at Secretariat Complex, Mantripukhri, P.O. Mantripukhri & P.S. Heingang, Imphal East District, Manipur – 795001.
2. The Director General of Police, Manipur, having its office at Police Headquarters, Mantripukhri, P.O. Mantripukhri & P.S. Heingang, Imphal East District, Manipur – 795001, Imphal.
3. The Superintendent of Police, Imphal West, having its office at Superintendent of Police Complex, Babupara, P.O. & P.S. Imphal, Imphal West District, Manipur – 795001.
4. The Officer-in-Charge, Women Police Station, Imphal West, Lamphelpat, P.O. & P.S. Lamphel, Imphal West District, Manipur – 795004.
5. The Regional Institute of Medical Sciences (RIMS), through its Director, RIMS, P.O. & P.S. Lamphel, Imphal West District, Manipur – 795004.

... **Respondents**

registration of an FIR and for investigation against the private respondent No. 6.

[3] Despite the aforesaid representation disclosing commission of cognizable offence, no action has been taken by the police authorities till date. Accordingly, the petitioner submitted another representation dated 05-05-2026 to the Superintendent of Police, Imphal West, requesting immediate intervention and for necessary direction to register an FIR when the concerned authorities failed to accept the representation submitted by the petitioner by registering an FIR against the respondent No. 6, the petitioner approached this court by filing the present writ petition with the prayer for directing the respondents No. 1 to 4 to register an FIR against the respondent No. 6 on the basis of the representations dated 30-03-2026 and 05-05-2026 submitted by the petitioner and for carrying out necessary investigation.

[4] The learned Advocate General appearing for the respondents No. 1 to 4 submitted that the present writ petition is not maintainable on the ground that there is not only unexplained and inordinate delay in filing the report by the petitioner to the police for registering an FIR but the petitioner has also not exhausted the remedies provided under Section 173(1), 173(4) and 175(3) of the BNSS before approaching this Court by filing the present writ petition. In support of his contention, the learned Advocate General relied on the judgment rendered by the Hon'ble Supreme Court in the case of "**Sujal Vishwas Attavar & anr. Vs. State of Maharashtra & ors.**" reported in **2026 SCC**

Online SC 798. In the said judgment, the Hon'ble Supreme Court has pointed out that the statutory framework under Bhartiya Nagarik Suraksha Sanhita (BNSS) contemplates that information relating to the commission of a cognizable offence is first placed before the Officer-in-Charge of the Police Station and an FIR is registered under Section 173(1) BNSS. In the event of refusal to register an FIR, recourse lies before the jurisdictional Superintendent of Police under Section 173(4) BNSS and thereafter, before the Magistrate under Section 174(3) BNSS.

[5] The Hon'ble Supreme Court held that where a statute provides a complete and efficacious remedy, the same must be exhausted before invoking constitutional jurisdiction and that the High Court is not bound to entertain a writ petition merely because a case of alleged inaction or negligence is made out against a statutory authority

The relevant portion of the said judgment are reproduced hereunder for ready reference:-

“7. Keeping in view the above exposition of law, we find that the extraordinary jurisdiction under Article 226 of the Constitution of India ought not to have been invoked when alternative equally efficacious statutory remedies were available. 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 conducted, then the remedy does not ordinarily lie in invoking the writ jurisdiction in the first instance, but in seeking recourse to the statutory framework, unless of course the urgency of the circumstances warrant otherwise.”

“8. The Bharatiya Nagarik Suraksha Sanhita 2023 (erstwhile Criminal Procedure Code, 1973) provides a structured

sequential mechanism for initiating criminal prosecution. The statutory framework contemplates that information relating to the commission of a cognizable offence is first placed before the officer-in-charge of the police station and an FIR is registered under Section 173(1) BNSS. In the event of refusal to register the FIR, recourse lies before the jurisdictional Superintendent of Police under Section 173(4) BNSS and, thereafter, before the Magistrate, under Section 175(3) BNSS.”

“9. In the present case, it is evident from the record that the complainant Company initially approached the Land Record Authority, by way of complaints dated 13.06.2025 and 09.07.2025, with copies thereof being sent to the police authority. However, it did not avail any of the statutory remedies provided under BNSS and instead directly invoked the writ jurisdiction of the High Court, inter alia, seeking directions for registration of FIR. In our considered view, such a recourse, in the first instance, is contrary to the settled principles of law. Particularly in the absence of imminent danger of violation of life or liberty of an individual. Article 226 is not a panacea for all grievances.”

“10. It is not the case of the complainant Company that it had approached the concerned Superintendent of Police or Magistrate prior to filing the writ petition, nor has any material been placed on record to show that such remedies were unavailable or inefficacious. Entertaining a writ petition, in the said circumstances, would in effect, result in the High Court, acting as a forum of first instance thereby bypassing the statutory scheme in its entirety. This is impermissible, save and except in special circumstances as mentioned in Radha Krishan Industries (supra), which are conspicuously absent in the present case.”

“11. The High Court is not bound to entertain a writ petition merely because a case of alleged inaction or negligence is made out against a statutory authority. Ordinarily, where a statute provides a complete and efficacious remedy, the same must be exhausted before invoking constitutional jurisdiction [See: Sakiri Vasu (supra) and Sudhir Bhaskarrao Tambe (supra)]. In the present facts, the complainant

Company, has not exhausted the sequential statutory remedies available under BNSS. There is, therefore, no foundation to invoke the extraordinary jurisdiction of the High Court for the reason that efficacious and efficient alternative remedies exists. Hence, at this stage, we find the instant writ petition to be premature, and, therefore, not fit to be entertained.”

[6] The learned Advocate General submitted that in view of the principle laid down by the Hon'ble Supreme Court in the case of **Sujal Vishwas Attavar (supra)**, the present writ petition is not maintainable and the same is liable to be dismissed.

[7] After hearing the submissions made by the learned counsel appearing for the parties and on perusal of the record, this court find that though the petitioner has submitted a representation to the concerned Officer-in-Charge of the Police Station as well as a representation to the Superintendent of Police, the petitioner has not taken recourse for approaching the concerned Magistrate as provided under Section 175(3) of the BNSS and instead filed the present writ petition. On perusal of the record, it is also clear that the alleged incident occurred on 30-04-2025 and the petitioner filed the representation to the Officer-in-Charge only on 30-03-2026 after coming to know about such alleged offence through RTI reply on 27-02-2026. The petitioner has not stated anywhere either in his representation or in the present writ petition explaining the delay in filing such a report to the concerned Police Officer.

[8] In view of the above, this court is in respectful agreement with the principle laid down by the Hon'ble Supreme Court in the case of

Sujal Vishwas Attavar (*supra*) and accordingly, this court is not inclined to entertain this present writ petition. In the result, following the principle of **Sujal Vishwas Attavar (*supra*)**, the present writ petition is hereby dismissed. However, it is made clear that this order will not stand in the way of the petitioner in taking recourse as provided under law.

JUDGE

Devananda