

SL. No.	Date	Office Notes, reports, orders or proceedings or directions and Registrar's order with Signatures	COURT'S OR JUDGE'S ORDERS
			<u>UKHC010127372026</u> <u>WPCRL/1407/2026</u> Ajeem --Petitioner Versus State Of Uttarakhand --Respondent <u>Hon'ble Alok Mahra, J.</u> Mr. D.N. Sharma and Ms. Manju Bahuguna, learned counsel for the petitioner. 2. Mr. V.S. Pal, learned A.G.A. for the State. 3. By means of the present writ petition filed under Article 226 of the Constitution of India, the petitioner has prayed for issuance of a writ, order or direction in the nature of mandamus commanding respondent nos. 2 and 3 to decide and act upon the complaints/representations of the petitioner dated 15.07.2026, strictly in accordance with Section 173(4) of the BNSS, 2023 and to take appropriate action in accordance with law. The petitioner has further prayed for a direction to the respondent authorities to register an FIR on the basis of the said complaint and thereafter to conduct a fair, impartial and expeditious investigation in accordance with law. 4. In this case, a complaint was filed on 15.07.2026 by the complainant, whereby it was mentioned that the accused entered into his house and armed with rods and

			sticks, did <i>marpeet</i> with the women, children and elderly people in the house and demanded Rs. 20 Lakhs as extortion. 5. Learned counsel for the petitioner would submit that despite the petitioner having lodged a complaint before the concerned police authorities and thereafter having submitted a representation to the superior police authorities, no effective action has been taken till date. It is submitted that the inaction on the part of the respondent authorities has resulted in failure to discharge their statutory obligations and has adversely affected the administration of criminal justice. It is further submitted that, having failed to obtain any relief from the police authorities, the petitioner has invoked the extraordinary writ jurisdiction of this Court under Article 226 of the Constitution of India. 6. Per contra, learned State counsel would oppose the writ petition and submit that an efficacious and statutory alternative remedy is available to the petitioner under the provisions of the B.N.S.S., by approaching the jurisdictional Magistrate with an appropriate application seeking redressal of the grievance regarding non-registration of the First Information Report and for consequential directions; that, without availing the said statutory remedy, the petitioner has directly approached this Court, and, therefore, the present writ petition is not maintainable. 7. Heard learned counsel for the parties and perused the material available on record. 8. Upon consideration of the rival submissions and the material placed on record, this Court finds that the principal
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			grievance of the petitioner relates to the alleged failure of the police authorities to register the FIR and to act upon the complaint submitted by the petitioner. The law is well settled that where the police fail to register an FIR or fail to conduct a proper investigation, an efficacious statutory remedy is available before the jurisdictional Magistrate under the provisions of the Bharatiya Nagarik Suraksha Sanhita, 2023. Ordinarily, when such an alternative remedy is available, this Court, in exercise of its extraordinary jurisdiction under Article 226 of the Constitution of India, would not entertain a writ petition at the first instance. 9. In the facts and circumstances of the present case, since the petitioner has not availed the statutory remedy available before the competent Magistrate, this Court is not inclined to entertain the present writ petition on merits. However, liberty is reserved to the petitioner to avail such remedy as may be available in law before the competent Court. In the event any such application is filed, the same shall be considered and decided expeditiously, strictly in accordance with law, without being influenced by any observation made in this order. 10. Accordingly, the writ petition stands disposed of with the aforesaid liberty. 11. Pending applications, if any, also stand disposed of. (Alok Mahra, J.) 23.07.2026 Ujjwal
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