

IN THE HIGH COURT OF JUDICATURE AT PATNA
Criminal Writ Jurisdiction Case No.234 of 2015

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Uday Shankar Yadav Son of Shobhit Yadav resident of Panda Saria, Ward
no. 48, P.S. Laheriasarai, District - Darbhanga.

.... Petitioner/s

Versus

1. The State of Bihar through the Director General of Police, Sachiwalaya, Bihar at Patna.
2. The Senior Superintendent of Police, Darbhanga at Laheriasarai.
3. The Superintendent of Police, Darbhanga Town, Darbhanga.
4. Mr. Jai Prakash Singh Father's name not known to petitioner Officer-in-Charge, Laheriasarai, Police Station - Laheriasarai, District - Darbhanga.

.... Respondent/s

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Appearance :

For the Petitioner/s : Mr.

For the Respondent/s : Mr.

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CORAM: HONOURABLE MR. JUSTICE ASHWANI KUMAR
SINGH

ORAL ORDER

2 03-09-2015 In the present writ petition, the petitioner seeks a direction to be issued to respondents no. 3 and 4 to institute the F.I.R. pursuant to a written report submitted before the Senior Superintendent of Police, Darbhanga, as contained in Annexure-1 to the present application.

In my view, the application is misconceived. Every information relating to the commission of a cognizable offence has to be given orally or in writing to the officer in charge of the police station in terms of Section 154 (1) of the Code of Criminal Procedure (hereinafter referred to as the 'Code'). Any person aggrieved by a refusal on the part of an officer in charge of a



police station to record the information referred to in sub-section (1) of Section 154 of the Code may send the substance of such information, in writing, and by post, to the Senior Superintendent of Police concerned, who, if satisfied that such information discloses the commission of cognizable offence, shall either investigate the case himself or direct an investigation to be made by a police officer subordinate to him in terms of sub-section (1) of Section 154 of the Code.

It would appear from the record that the petitioner has neither taken any proper step in accordance with sub-section (1) of Section 154 of the Code nor in accordance with sub-section (3) of Section 154 of the Code.

In that view of the matter, I am of the view that no direction can be issued to the respondents to institute the F.I.R. pursuant to some written information submitted to the Senior Superintendent of Police, Darbhanga. In the present case, the petitioner has never ever approached the S.H.O. of the police station concerned for institution of F.I.R.

The written information, as contained in Annexure-1, would show that some sort of representation has been made by the petitioner to the Senior Superintendent of Police, Darbhanga. Since the petitioner has failed to resort to his remedy as provided

under Section 154 of the Code, I am not inclined to entertain this application. Accordingly, the application is dismissed.

However, it goes without saying that in case the petitioner approaches the S.H.O. of the police station with a proper complaint disclosing commission of a cognizable offence, the officer in charge of the concerned police station would be obliged to institute the F.I.R. and investigate the same in accordance with law.

(Ashwani Kumar Singh, J)

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