

IN THE HIGH COURT OF JUDICATURE AT PATNA

Criminal Writ Jurisdiction Case No.1049 of 2014

Arising Out of PS.Case No. -null Year- null Thana -null District- GAYA

Dr. Niranjan Kumar Awasthi, Son of Late D.S. Awashti, Residence of Telephone Exchange Compound, Guraru Mathura Pur Road, P.S. - Guraru, District - Gaya.

.... Petitioner

Versus

1. The State of Bihar through District Magistrate Gaya.
2. The Superintendent of Police, Gaya.
3. The Officer-in-Charge, Guraru, Police Station, Gaya.
4. Nirmal Kumar Awasthi, Son of Sheo Shankar Awasthi, Resident of Baba Baksha, Guraru Mathura Pur Road, P.S. - Guraru, District- Gaya.

.... Respondent/s

Appearance :

For the Petitioner/s : Ms. Archana Shahi with Vijaya Laxmi
Srivastava, Advocates

For the Respondent/s : Mr. Satyapal Singh, AC to SC-15.

CORAM: HONOURABLE MR. JUSTICE ASHWANI KUMAR SINGH

ORAL JUDGMENT

Date: 03-04-2015

Heard learned counsel for the petitioner and learned
counsel for the State.

The grievance of the petitioner is that despite lodging
an information about commission of cognizable offence, the police
have failed to register an FIR.

The instant writ petition has been filed for issuance of a
direction to the respondent nos. 2 and 3 to register an FIR against
respondent no. 4 pursuant to several written complaints made by
the petitioner in respect of a cognizable offence committed by
respondent no. 4.

In the writ petition, one representation submitted to the

Superintendent of Police, Gaya by the petitioner on 18th September, 2014 has been annexed as Annexure-1.

In my view, this application is misconceived. In case an Officer-in-charge of the police station refuses to institute a case pursuant to a report made under Section 154(1) of the Code of Criminal Procedure, the person aggrieved has a remedy to send substance of such information in writing and by post to the Superintendent of Police concerned in terms of Section 154(3) of the Code of Criminal Procedure and in case the Superintendent of Police also fails to take any action in that behalf, the aggrieved person may file a complaint under Section 190 read with 200 of the Code of Criminal Procedure before the Magistrate concerned, who may either inquire into the complaint himself or direct the police to institute FIR in terms of Section 156(3) of the Code of Criminal Procedure.

In view of the equally efficacious remedy available to the petitioner, I am not inclined to entertain this application. Accordingly, the application is dismissed.

(Ashwani Kumar Singh, J.)

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