

IN THE HIGH COURT OF JUDICATURE AT PATNA
Criminal Writ Jurisdiction Case No.1233 of 2014

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Md. Nazir Ahsan son of Mr. Letafat Husain, resident of village-Neora,
P.O.-Neora, P.S.-Bihta, District- Patna

.... Petitioner/s

Versus

- 1.The State of Bihar through the Director General of Police, Bihar, Patna
- 2.The Senior Superintendent of Police, Patna
- 3.The District Magistrate, Patna
- 4.The Deputy Collector, Patna
- 5.The Officer-in-Charge, Police Station, Bihta, Patna
- 6.Jamila Khatoon wife of Late Mohd. Sarafat Husain
- 7.Aajam son of Late Mohd. Sarafat Hussain
- 8.Moazzam son of Late Mohd. Sarafat Hussain

Respondent nos.6 to 8 are resident of village-Neora, P.O.-Neora,
P.S.-Bihta, District- Patna, presently residing at Mohalla-Gajuatarh, P.S.-
Dhansar, District- Dhanbad (Jharkhand)

.... Respondent/s

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Appearance :

For the Petitioner/s : Mr. Suresh Mishra, Advocate

For the Respondent/s : Mr. D.K.Sinha,AAG-2

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CORAM: HONOURABLE MR. JUSTICE ASHWANI KUMAR SINGH
ORAL ORDER

2 06-01-2015 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 a cognizance offence on
2.12.2014, the Officer-in-Charge, Bihta Police Station, Patna has
failed to take any action.

The instant writ petition under Articles 226 and 227 of
the Constitution of India has been filed with a prayer to direct the
respondents to institute an FIR and conduct investigation of the
case pursuant to the written complaint of the petitioner dated

2.12.2014 and some other written information given to the police officer and the District Magistrate on different dates.

In my view, the present writ petition is thoroughly misconceived. In case, an information regarding commission of a cognizable offence is given to the Officer-in-Charge of a police station in terms of section 154(1) of the Code of Criminal Procedure (hereinafter referred to as “the Code”) and the Officer-in-Charge declines to register FIR, the person aggrieved may send the substance of such information, in writing and by post to the Superintendent of Police concerned in terms of section 154(3) of the Code and in case, the Superintendent of Police also fails to take any action in that behalf, the aggrieved person may approach the superior police officer in this regard under section 36 of the Code. Despite all these steps, if the FIR is not registered and investigation is not taken up, the person aggrieved can file a complaint under section 190 read with section 200 of the Code before the Magistrate concerned, who may either enquire into the complaint himself or direct the police to investigate the case in terms of section 156(3) of the Code.

Learned counsel for the petitioner concedes that he has never sent substance of the information given to the Officer-in-Charge in writing and by post to the Superintendent of Police

concerned in terms of section 154(3) of the Code. He further concedes that he has not filed any complaint under section 190 read with section 200 of the Code before the Magistrate concerned.

In that view of the matter, I find no merit in the present writ petition. Accordingly, it is dismissed.

(Ashwani Kumar Singh, J)

Md.S./-

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