

IN THE HIGH COURT OF JUDICATURE AT PATNA

Criminal Writ Jurisdiction Case No.1075 of 2013

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Sanjiv Kumar Singh, Advocate, Son of Late Raghunath Prasad Singh,
Resident of Village- Nagrah, P.S.- Naugachia, District- Bhagalpur

.... Petitioner

Versus

1. The State of Bihar through Senior Superintendent of Police, Bhagalpur
2. The Senior Superintendent of Police, Bhagalpur
3. The Superintendent of Police, Naugachia, Distt. Bhagalpur
4. The Officer-in-Charge, Naugachia Police Station, District- Bhagalpur
5. Chandeshwari Singh, Son of Late Saryug Singh, Resident of Village-
Laua Lagan, P.O. and P.S. Chausa, District- Madhepura, at present resident
of Nawada, P.S.- Naugachia, District- Bhagalpur

.... Respondents

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Appearance :

For the Petitioner/s : Mr. Raghunath Singh, Advocate

For the Respondent/s : Mr. Alok Ranjan, AC to GA-13

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CORAM: HONOURABLE MR. JUSTICE ASHWANI KUMAR SINGH

ORAL ORDER

2 07-01-2015

The grievance of the petitioner in the present writ petition is that despite a written report having been submitted in respect of a cognizable offence, the Officer-in-charge of Naugachia Police Station, Bhagalpur failed to register an FIR and investigate the same.

The prayer of the petitioner is to direct the respondents to institute FIR on the basis of the aforesaid written report submitted by the petitioner.

In my view, the writ petition is misconceived. In case the Officer-in-charge of police station refuses to register an FIR,

the person aggrieved has a remedy under Section 154(3) of the Cr. P.C. He can send the substance of such information, in writing and by post to the Superintendent of Police concerned who, if satisfied that such information discloses commission of a cognizable offence, shall either investigate the case himself or direct an investigation to be made by any police officer subordinate to him. In case, the Superintendent of Police also refuses to take any action on such report, the person aggrieved has a remedy to approach the superior officers of police station under Section 36 of the Code of Criminal Procedure. Even otherwise, the petitioner has a remedy to file a complaint under Sections 190 and 200 of the Code of Criminal Procedure and in case such complaint is filed, the Magistrate concerned may either inquire into the offence alleged or refer the same to the police to conduct investigation under Section 156(3) of the Code of Criminal Procedure.

In view of the availability of other equal and efficacious remedy to the petitioner, I am not inclined to entertain the present writ petition filed under Articles 226 and 227 of the Constitution of India.

Accordingly, the application is dismissed.

(Ashwani Kumar Singh, J.)

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