

IN THE HIGH COURT OF JUDICATURE AT PATNA
Criminal Writ Jurisdiction Case No.1138 of 2013

=====

Arun Kumar Singh @ Sahdeo Mandal son of Late Sakhichand Mandal
Resident of Village- Jaiyatipur, P.S.- Kahalgoan, District- Bhagalpur.

.... Petitioner/s

Versus

1. The State of Bihar
2. The Chief Secretary Govt. of Bihar, Old Secretariat, Patna
3. The Director General of Police Govt. of Bihar, Old Secretariat, Patna
4. The District Magistrate, Bhagalpur, Patna
5. The Senior Superintendent of Police Bhagalpur
6. The Dy. Superintendent of Police, Kahalgoan
7. Inspector of Police, Pirpainty Anchal, District- Bhagalpur
8. The Officer-in-Charge, Shivnarayanpur O.P., Police Station- Kahalgoan, Distt.- Bhagalpur.
9. Bindu Devi wife of Shital Mandal, Resident of Village- Jayatipur, P.S.- Shivnarayanpur, District- Bhagalpur

.... Respondent/s

=====

Appearance :

For the Petitioner/s : Mr. Swapnil Kumar Singh, Advocate

For the Respondent/s : Mr. Nivedita Nirvikar, G.P.-3

=====

CORAM: HONOURABLE MR. JUSTICE ASHWANI KUMAR SINGH
ORAL ORDER

2 08-01-2015 It appears from the record that there exists some dispute between the petitioner and the private respondent no.9, Bindu Devi for the sake of some land and out of that very dispute some disturbances used to arise for which seeing the apprehension of breach of peace between the parties, a proceeding under section 107 of the Code of Criminal Procedure has been initiated which is sub judice in the court of Sub Divisional Officer, Kahalgaon. Certain applications were also filed by the private respondent no.9 before the S.H.O. of the police station concerned. Those petitions

were also enquired and some reports seem to have been submitted before the Sub Divisional Officer concerned.

In the present writ petition filed under Articles 226 and 227 of the Constitution of India, the prayer of the petitioner is to direct the respondents to institute a first information report against respondent no.9, who is habitually harassing him.

In my view, the writ petition is thoroughly misconceived. In case, any cognizable offence is reported to the police, the police are duty bound to register an FIR. If the Officer-in-Charge of the police station fails to register an FIR on the basis of the report submitted to him, the petitioner has remedy to approach the Superintendent of Police by filing substance of accusation before him. Even otherwise, the petitioner may approach the competent Magistrate and file a petition under sections 190 and 200 of the Code of Criminal Procedure and in case any such application is filed, he has option either to enquire into the allegation made in the complaint himself or refer the same to the police for institution of the FIR under section 156(3) of the Code of Criminal Procedure. The petitioner has not taken any steps to register FIR against respondent no.9.

In that view of the matter, the prayer of the petitioner cannot be allowed. The application, being devoid of any merit, is

hereby dismissed.

Md.S./-

(Ashwani Kumar Singh, J)

U		T	
---	--	---	--