

**IN THE HIGH COURT OF JUDICATURE AT PATNA**

**Criminal Writ Jurisdiction Case No.200 of 2014**

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

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Akhilesh Prasad @ Akhilesh Kumar son of Arjun Prasad, Resident of Village- Par Manki, P.O. Manki, P.S. Kadirganj, District- Patna, presently Up-Mukhiya of Nimda Gram Panchayat

.... .... Petitioner/s

Versus

1.The State of Bihar  
2.The District Magistrate, Patna  
3.The Senior Superintendent of Police, Patna  
4.The Deputy Superintendent of Police, Masaurhi, District- Patna  
5.The District Panchayat Raj Officer, Patna  
6.The Block Development Officer, Dhanarua Block, Dhanarua, District- Patna  
7.Vidhyabhushan Singh presently Mukhiya of Nimda Gram Panchayat son of Late Akalu Singh, resident of village-Nimda, P.O.-Panditganj, P.S.- Kadirganj, District- Patna.

.... .... Respondent/s

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**Appearance :**

For the Petitioner/s : Mr. Paras Nath, Advocate

For the Respondent/s : Ms. Jahan Ara, A.C. to AAG-V

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**CORAM: HONOURABLE MR. JUSTICE ASHWANI KUMAR SINGH**

**ORAL JUDGMENT**

**Date: 21-01-2015**

By filing the present application under Articles 226 and 227 of the Constitution of India, the petitioner seeks a direction to be issued to the respondents to institute an FIR against respondent no.7 and Panchayat Sachiv of Gram Panchayat Nimda under Dhanarua Block of Patna District.

In reply to the question put by the Court, learned counsel for the petitioner has submitted that he has not lodged any report with the police regarding any cognizable offence. If that be so, the police are not under any obligation to institute FIR. In case, the petitioner



submits a report regarding cognizable offence to the Officer-in-charge of the police station under section 154(1) of the Code of Criminal Procedure and the police fails to register FIR, the petitioner has a remedy before the Superintendent of Police in terms of section 154(3) of the Code of Criminal Procedure. In case, no action is taken on such information by the police, the petitioner has a remedy to file a complaint under sections 190 and 200 of the Code of Criminal Procedure before the court of competent Magistrate. If such a complaint is filed, the Magistrate may either enquire into the complaint himself or refer the same to the police under section 156(3) of the Code of Criminal Procedure for investigation. The petitioner has failed to take any steps in respect of institution of an FIR and he seeks a direction to be issued by this Court for institution of FIR against certain persons. In my view, the present application is not only frivolous but misconceived too.

For the reasons assigned hereinabove, I find no merit in the present application. Accordingly, the writ petition is dismissed.

**(Ashwani Kumar Singh, J)**

Md.S./-

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