

IN THE HIGH COURT OF JUDICATURE AT PATNA

Criminal Writ Jurisdiction Case No.769 of 2015

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

- =====
1. Arvind Sharma son of late Suryadeo Sharma resident of Village - Kubari, P.S. - Karpi, District - Arwal.
 2. Pramod Kumar son of late Madhusudan Sharma
 3. Uday Singh son of late Chaturbhuj Singh
 4. Brij Kishore Sharma son of late Girja Singh
 5. Rajesh Sharma son of late Madheshwar Singh
 6. Ram Pravesh Sharma son of late Kameshwar Sharma
 7. Upendra Sharma son of late Indradeo Singh Petitioners No. 2 to 7 are residents of Village - Kayal, P.S. - Karpi, District - Arwal.

.... Petitioner/s

Versus

1. The State of Bihar through the Principal Secretary, Cooperative Department, Bihar, Patna.
2. The Registrar Cooperative Societies, Bihar, Patna.
3. The Secretary, Food and Consumer Protection Department, Govt. of Bihar, Patna.
4. The Agriculture Production Commissioner, Bihar, Patna.
5. The Commissioner, Magadh Division, Gaya.
6. The Collector, Arwal.
7. The Deputy Development Commissioner, Arwal.
8. The District Cooperative Officer, Arwal.
9. The Superintendent of Police, Arwal.
10. The Officer-in-charge, Karpi Police Station, District - Arwal.
11. The General Manager, Food Corporation of India, Patna Zone, Patna.
12. The Managing Director, Bihar State Food Corporation, Patna.
13. Sri Mahendra Kumar S/o not known to the petitioners The Chairman, Kayal, PACS, District - Arwal.
14. The Branch Manager, Magadh Central Cooperative Bank, Arwal.

.... Respondent/s

=====

Appearance :

For the Petitioner/s : Mr. Arghesh Kumar, Adv.
For Respondent No.11 : Mr. Sajid Salim Khan, Adv.
For Respondent No.12 : Mr. Anjani Kumar, Sr. Adv.

=====

CORAM: HONOURABLE MR. JUSTICE ASHWANI KUMAR SINGH
ORAL JUDGMENT

Date: 30-09-2015

Heard learned counsel for the petitioners, learned
counsel for the Food Corporation of India and learned counsel for the

Bihar State Food and Civil Supplies Corporation.

By way of the present writ petition filed under Articles 226 and 227 of the Constitution of India, the petitioners seek a direction to be issued to the respondent Superintendent of Police and the Officer-in-Charge to lodge an FIR against respondent no.13 for his alleged act of omission and commission in purchasing paddy crops from the limited farmers.

There is no pleading in the entire writ petition that the petitioners ever approached the S.H.O. or the Superintendent of Police for institution of the FIR. Any information relating to the commission of a cognizable offence is to be given orally or in writing to the Officer-in-Charge of the Police Station in terms of Section 154(1) of the Code of Criminal Procedure (for short 'Cr.P.C.') for institution of an FIR. Any person aggrieved by refusal on the part of an Officer-in-Charge of the Police Station to record the information referred to in sub-section (1) of Section 154 Cr.P.C. may send the substance of such information in writing and by post to the Superintendent of Police concerned, who, if satisfied that such information discloses the 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 the manner provided by the Cr.P.C.

Since the petitioner has not taken any step in respect of institution of the FIR in terms of the provisions of Section 154 Cr.P.C., I do not find any merit in the application. Accordingly, the application is dismissed.

(Ashwani Kumar Singh, J)

Pradeep/-

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