

IN THE HIGH COURT OF JUDICATURE AT PATNA

Criminal Writ Jurisdiction Case No.178 of 2014

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

Awadhesh Prasad Singh, Son of Banarsi Prasad Singh, Resident of Village + P.O.
Jotha, Block - Dhoraiya, P.S. -Dhoraiya, District - Banka

.... Petitioner

Versus

1. The State of Bihar
2. The Director General of Police, Bihar, Patna
3. The District Magistrate, Banka
4. The Director, Account Administration and Self Employment, D.R.D.A. Banka
5. The District Public Complain Redressal Officer, Banka
6. The Block Development Officer, Dhoraiya (Banka)
7. The Mukhiya, Jotha - Block, Dhoraiya, District - Banka
8. The Officer -in - Charge, Dhoraiya Police Station, Banka
9. The Circle Officer, Dhoraiya (Banka)
10. The Deputy Development Commissioner, Banka
11. The Superintendent of Police, Banka

.... Respondents

Appearance :

For the Petitioner/s : Mr. Rajendra Kumar Jain, Advocate

For the Respondent/s : Mr. R.R. K. Pandey, SC-29

CORAM: HONOURABLE MR. JUSTICE ASHWANI KUMAR SINGH

ORAL JUDGMENT

Date: 20-01-2015

In the present application filed 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 the Block Development Officer, Dhoraiya.

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 sub-ordinate 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 equally efficacious alternative 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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