

IN THE HIGH COURT OF JUDICATURE AT PATNA

Criminal Writ Jurisdiction Case No.133 of 2014

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Harigopal Pandit, Son of Late Yugal Pandit, Resident of Village - Rampore
Nagwan, P.O. and P.S. - Paliganj, District - Patna.

.... Petitioner

Versus

1. The State of Bihar.
 2. The Director General of Police, Old Secretariat, Bihar, Patna.
 3. The Senior Superintendent of Police, Patna.
 4. The Sub Divisional Police Officer, Paliganj, Patna.
 5. The Officer-in-Charge, Police Station, Paliganj, Patna.
 6. The Circle Officer, Paliganj, Patna.
 7. Dhorai Thakur Son of Late Jibodhan Thakur
 8. Binod Thakur Son of Dharai Thakur
 9. Guddu Thakur Son of Binod Thakur
 10. Sanjay Thakur Son of Binod Thakur
 11. Pramod Thakur, Son of Dharai Thakur,
- All resident of Village - Rampur, Nagawan, P.O. and P.S.- Paliganj, District - Patna.

.... Respondents

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Appearance :

For the Petitioner/s : Mr. Navin Kumar Sinha, Advocate

For the Respondent/s : Mr. M. K. Sinha, SC-1

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CORAM: HONOURABLE MR. JUSTICE ASHWANI KUMAR SINGH

ORAL JUDGMENT

Date: 15-01-2015

The grievance of the petitioner in the present application filed under Articles 226 and 227 of the Constitution of India is that despite having an information regarding commission of a cognizable offence, the S.H.O. of Paliganj Police Station has

failed to register First Information Report against the respondent nos. 7 to 11.

The prayer of the petitioner is that a mandamus be issued to the official respondents to institute FIR against respondent nos. 7 to 11.

In my view, the application is misconceived. No chit of paper has been filed to show that any information regarding a cognizable case was ever made to the S.H.O. of Paliganj Police Station. It appears that a representation was sent to the Senior Superintendent of Police, Patna on 6th January, 2014 in which certain allegations were made.

In any view of the matter, in case an information regarding a cognizable case is given to the police and they fail to register FIR, the petitioner has a remedy to file an appropriate application under Sections 190 and 200 of the Code of Criminal Procedure before the Magistrate concerned. In such case the Magistrate concerned may either inquire into the matter himself or refer the complaint to the police under Section 156(3) of the Code of Criminal Procedure for investigation.

For the reasons recorded hereinabove, the application, being devoid of any merit, is hereby dismissed

(Ashwani Kumar Singh, J.)

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