

IN THE HIGH COURT OF JUDICATURE AT PATNA

Criminal Writ Jurisdiction Case No.1109 of 2014

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

Abadh Kishore Singh son of Late Narendra Singh, Resident of Mohalla - RPS More, Vasant Vihar Colony, P.O. Danapur Cant., P.S. Danapur, District - Patna

.... Petitioner/s

Versus

1. The State of Bihar
2. The Director General of Police, Government of Bihar, Secretariat, Patna 15
3. The Senior Superintendent of Police, Patna, District-Patna
4. The Superintendent of Police (Town West) Patna, District - Patna
5. The Sub - Divisional Police officer, Danapur (Patna), District - Patna
6. The Inspector of Police, Anchal Danapur, Patna
7. The Officer - in - Charge, Danapur Police Station - Patna
8. Smt. Sapna Kumari wife of Shri Rahul Ranjan Mohalla - RPS More, Vasant Vihar Colony, P.O. Danapur Cant., P.S. Danapur, District - Patna
9. Rahul Ranjan husband of Smt. Sapna Kumari
10. Kaushal Kishore Singh father of Rahul Ranjan
11. Ramjee Singh Son of Late Murari Singh, resident of Mohalla / village - Ankuri, P.S. Paliganj, District - Patna
12. Dilip Kumar son of Shri Ashok Kumar, resident of village - Nisarpura, P.O.- Kab, P.S. Ranitalab (Bikram) District - Patna

.... Respondent/s

Appearance :

For the Petitioner/s : Mr. Fulena Yadav, Advocate

For the Respondent/s : Mr. Harish Kumar, G.P.-32

CORAM: HONOURABLE MR. JUSTICE ASHWANI KUMAR SINGH

ORAL JUDGMENT

Date: 12-02-2015

In the present application filed under Articles 226 and 227 of the Constitution of India, the grievance of the petitioner is that despite having given written information on 25th August, 2014 to the officer-in-charge of Danapur police station in respect of a cognizable offence, the FIR has not been instituted till date.

Learned counsel for the petitioner has submitted that

pursuant to the written statement submitted to the officer-in-charge of the police station when the FIR was not instituted, the petitioner had also filed a petition before the Superintendent of Police but despite that the police have failed to register FIR.

In my view, the application is misconceived. In case the petitioner has any grievance, he could have filed a complaint before the Magistrate concerned under section 190 read with 200 of the Code of Criminal Procedure (hereinafter referred to as “the Code”). If a complaint is filed under section 190 read with 200 of the Code of Criminal Procedure before Magistrate concerned, he may either proceed with the enquiry of the case himself or refer the same to the police under section 156(3) of the Code of Criminal Procedure for investigation.

In view of availability of statutory alternative remedy to the petitioner, I am not inclined to entertain the present application. Accordingly, the application is disposed of.

(Ashwani Kumar Singh, J)

Md.S./-

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