

IN THE HIGH COURT OF JUDICATURE AT PATNA

Criminal Writ Jurisdiction Case No.1164 of 2015

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

Nagrita Devi, W/o Sri Tunni Paswan, resident of village-Belbakhri, P.S.-Bargania,
District-Sitamarhi.

.... Petitioner

Versus

1. The State of Bihar through the Chief Secretary Government of Bihar, Patna.
2. The Principle Home Secretary, Government of Bihar, Patna.
3. The Director General of Police, Bihar, Patna.
4. The Assistant Director General of Police, Bihar, Patna.
5. The Inspector General of Tirhut Region, Muzaffarpur.
6. The Deputy Inspector General of Police, Tirhut Muzaffarpur.
7. The District Magistrate, Sitamarhi.
8. The Superintendent of Police, Sitamarhi.
9. The Station House Officer, Bargania, Sitamarhi.
10. The Station House Officer, Mahila Police Station, Sitamarhi.

.... Respondents

Appearance :

For the Petitioner/s : Mr. Manoj Kumar Singh, Advocate

For the Respondent/s : Mr. Ajeet Pratap Singh, SC-15

CORAM: HONOURABLE MR. JUSTICE ASHWANI KUMAR SINGH

ORAL JUDGMENT

Date: 15-01-2016

By way of the present application preferred under Articles 226 & 227 of the Constitution of India, the petitioner prays for institution of an FIR pursuant to a written report submitted before the Officer-in-charge of Mahila Police Station. The petitioner has also prayed for providing her adequate security as she apprehends threat to her life at the hands of brother of her husband.

In my view, the application is misconceived. In case,

pursuant to a written report submitted by the petitioner, the Officer-in-charge of the police station has refused to register an FIR, the petitioner has a remedy under sub-Section (3) of the 154 of the Code of Criminal Procedure to approach the Superintendent of Police and, in case even after that, no action is taken, the petitioner may approach the court of jurisdictional Magistrate for institution of a complaint under Sections 190 and 200 of the Code of Criminal Procedure as also for sending the complaint for investigation under sub-Section (3) of Section 156 of the Code of Criminal Procedure. Furthermore, if the petitioner has got any threat to her life, she must approach the authorities first so that they may ascertain the threat perception and take appropriate action in this regard.

At this stage, it is pointed out by the learned counsel for the State that there is a District Level Security Committee in each district of the State to examine the threat perception and take action in case someone apprehends threat to his/her life.

In view of the alternative remedies being available to the petitioner, I am not inclined to entertain the present application.

Accordingly, the application is disposed of.

(Ashwani Kumar Singh, J.)

Sanjeet/-

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