

IN THE HIGH COURT OF JUDICATURE AT PATNA
Criminal Writ Jurisdiction Case No.2 of 2017

=====

1. Sonali Kumari, Wife of Dr Akhila Nand Kumar (Son of Deep Prabhat Kumar), Resident of Village- Khankitta, P.O. and P.S.- Sabour, District- Bhagalpur
..... Petitioner

Versus

1. The State of Bihar Through the Director General of Police, Govt. of Bihar, Patna
2. Ajit Kumar, Son of Kampo Mandal,
3. Ankit Kumar, Son of Kampo Mandal, Both respondents no 2 and 3 are resident of Village- Asiyachak, P.S.- Sultanganj, District- Bhagalpur
4. Ratan Kumar, Son of Late Kamal Kishore Mandal,
5. Laxmi Kumari, Daughter of Late Kamal Kishore Mandal, Both respondent no 4 and 5 are resident of Village- Khankitta, P.O. and P.S.- Sabour, District- Bhagalpur
..... Respondents

=====

Appearance :

For the Petitioner : Mr. Dharendra Nath Jha, Adv.

For the Respondents : Mr. Manish Kumar, GP IV

=====

CORAM: HONOURABLE MR. JUSTICE BIRENDRA KUMAR
ORAL ORDER

3 06-04-2017

Heard the counsel for the parties.

The petitioner has invoked the writ jurisdiction of this Court for issuance of mandamus against the Chief Judicial Magistrate, Bhagalpur, commanding him to take immediate action on the Complaint Case No. 799 of 2016, filed by the petitioner on 16.05.2016 with prayer to send the same to Mahila Police Station, Bhagalpur, in exercise of power under Section 156(3) of the Criminal Procedure Code for registering a first information report and for investigation and submission of the charge sheet.

The complaint petition, at page 9, would reveal that the complainant had not filed any petition to the superior police officer complaining non-registration of the first information report by the police. More over, the



complaint petition is not affidavit one.

Perused the judgment of the Apex Court in **Priyanka Srivastava and Anr. Vrs. State of Uttar Pradesh & Ors.** reported in **(2015) 6 S.C.C., 287.**

Considering the guidelines in the above case before directing the police to institute a first information report on the basis of complaint the Magistrate is required to satisfy the compliance of Section 154(3) of the Criminal Procedure Code inasmuch as information to the superior police officers regarding non-registration of the first information report.

Hence, there is no reason to interfere in the matter.

Accordingly, it stands **dismissed.**

(Birendra Kumar, J)

SA/-

U	✓	T	✓
---	---	---	---

