

IN THE HIGH COURT OF JUDICATURE AT PATNA
Criminal Writ Jurisdiction Case No.1210 of 2016

Arising Out of PS.Case No. -null Year- null Thana -null District- SASARAM (ROHTAS)

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Akhilesh Kumar Verma, Son of Late Chaturbhuj Sahay, R/o Village+ Post+P.S.-
Sanjhauli, District- Rohtas.

.... Petitioner

Versus

1. The State of Bihar through Principal Secretary, Home Department, Government of Bihar, Patna.
2. The Director General of Police, Bihar, Patna.
3. The Commissioner, Patna Division, Patna.
4. The District Magistrate, Rohtas at Sasaram.
5. The Superintendent of Police, Rohtas at Sasaram.
6. Sri Abhishek Kumar, presently posted as the Circle Officer, Block- Sanjhauli, District- Rohtas.
7. Sri Pradeep Kumar, presently posted as the Officer-in- Charge, Sanjhauli Police Station, District- Rohtas.
8. Sri Chhote Lal Singh, Son of Late Mahadev Singh, R/o Village+ Post+P.S.- Sanjhauli, District- Rohtas.
9. Sri Puranjay Ojha, the then Revenue Karamchari, Mauza- Sanjhauli, presently posted as the Revenue Karamchari in Nawhatta Circle, District- Rohtas.

.... Respondents

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Appearance :

For the Petitioner/s : Mr. Siddharth Harsh, Advocate
For the Respondent/s : Dr. Anand Kumar, Advocate

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CORAM: HONOURABLE MR. JUSTICE RAJEEV RANJAN PRASAD
ORAL JUDGMENT

Date: 07-02-2018

Heard learned counsel for the petitioner and
learned counsel representing the State.

The petitioner is seeking an order/direction
commanding the respondents to forthwith lodge First
Information Report (in short the 'F.I.R.') against the
respondent nos. 6 to 9 as respondent nos. 8 and 9 collusively
forged rent receipts against the interest of the petitioner and
now the respondent nos. 6 and 7 are helping them in their evil



designs.

Learned counsel for the petitioner submits that this Court should direct lodging of the F.I.R., however, a specific question was put to the learned counsel whether the petitioner has, before moving this court in its jurisdiction under Article 226 of the Constitution of India, moved before the regular court in accordance with the scheme of the Cr.P.C. by filing an appropriate application. Learned counsel informs that no such steps have been taken by this petitioner.

Learned counsel for the State submits that this Court being a Constitutional Court need not encourage this practice of the litigants to move this court directly for lodging of the F.I.R. without exhausting the remedy which they have in terms of the provisions as contained in the Code of Criminal Procedure. Reliance has been placed in the case of **Sakiri Vasu Vs. State of U.P.** reported in (2008) 2 SCC 409 which has been followed in the case of **Sudhir Bhaskarrao Tambe Vs. Hemant Yashwant Dhage** reported in (2016) 6 SCC 277.

Having heard learned counsel for the petitioner and learned counsel for the State, this court is of the considered opinion that the extraordinary writ jurisdiction of this Court under Article 226 of the Constitution of India



cannot be allowed to be invoked by a person who has not exhausted his remedy by filing appropriate application in terms of the provisions of Code of Criminal Procedure before a regular court.

This application seems to be misconceived and is, accordingly, dismissed.

(Rajeev Ranjan Prasad, J.)

Rajeev/-

AFR/NAFR	AFR
CAV DATE	NA
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