

IN THE HIGH COURT OF JUDICATURE AT PATNA
Criminal Writ Jurisdiction Case No.235 of 2017

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

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Pramod Kumar Son of Dwarika Prasad, Resident of village P.O. Gouspur Izra,
P.S. Sadar Hajipur, District - Vaishali at Hajipur

... .. Petitioner

Versus

1. The State Of Bihar Through The Chief Secretary, Govt. Of Bihar, Patna
2. Director - Cum - Inspector General of Police, Govt. of Bihar, Patna
3. Deputy Inspector General of Police, Tirhut Division, Muzaffarpur
4. Superintendent of Police, District - Vaishali at Hajipur
5. Sub - Inspector of Police, Police Station Hajipur Sadar, District - Vaishali at Hajipur

... .. Respondents

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Appearance :

For the Petitioner/s : None
For the Respondent/s : Mr.Manish Kumar Gp-4

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CORAM: HONOURABLE MR. JUSTICE ASHWANI KUMAR SINGH
ORAL JUDGMENT

Date : 09-07-2019

No one appears for the petitioner.

2. Perused the writ petition.
3. This application under Articles 226 and 227 of the Constitution of India has been filed by the petitioner for directing the respondents to institute first information report against the accused persons, who, in absence of the petitioner, entered into his house situated at village- Purva, P.O.- Chandralaya, P.S.- Sadar, District- Vaishali at Hajipur, broke the wall and doors of the room and looted articles worth Rs.1,80,000/-.



4. The petitioner has pleaded that a written report was submitted to the Officer-in-Charge of Sadar Police Station, Hajipur regarding a cognizable offence naming eight persons, who had participated in the commission of the offence, but the police have failed to register any case against the accused persons and investigate the same.

5. On refusal of the Officer-in-Charge to register a case in respect of a written report regarding cognizable offence submitted to him, the petitioner ought to have sent the information in this regard in writing and by post to the Superintendent of Police in terms of Section 154(3) of the Code of Criminal Procedure (for short 'Cr.P.C'). In case, on receipt of such registered post, the Superintendent of Police would not have investigated the case himself or got the case investigated by some other subordinate officer, the petitioner had still a remedy open to him. He could have filed a complaint in the court of Magistrate under Sections 190 and 200 of the Cr.P.C. and prayed before the jurisdictional Magistrate to send the complaint to the police for investigation in exercise of the powers conferred under Section 156(3) of the Cr.P.C.

6. In view of the availability of equally efficacious statutory remedies to the petitioner, I am not inclined to entertain



this application in extraordinary jurisdiction under Article 226 of the Constitution of India.

7. The application is dismissed with liberty to the petitioner to resort to the statutory remedies available to him for the redressal of his grievances.

(Ashwani Kumar Singh, J)

Pradeep/-

AFR/NAFR	NAFR
CAV DATE	N.A.
Uploading Date	10-07-2019
Transmission Date	10-07-2019

