

IN THE HIGH COURT OF JUDICATURE AT PATNA
Criminal Writ Jurisdiction Case No.238 of 2017

Arising Out of PS. Case No.- Year-1111 Thana- District-

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Ajay Kumar, son of Panchilal, resident of village-Dewra Ajopur, P.O.-Bela Tarari, P.S.-Nowatpur, District-Patna.

... .. Petitioner

Versus

1. The State of Bihar through S. P. Patna
2. The Officer-in-charge, Nowbatpur, Patna.
3. The District Education Officer, Patna.
4. The Dy. S.P. Phulwarisharif, Patna.

... .. Respondents

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Appearance :

For the Petitioner : Mr. Nagendra Sharma, Advocate
For the Respondents-State: Mr. Lalit Kishore, AG

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CORAM: HONOURABLE MR. JUSTICE ASHWANI KUMAR SINGH
ORAL JUDGMENT

Date : 09-07-2019

This application under Articles 226 and 227 of the Constitution of India has been filed by the petitioner for directing the respondents to institute the First Information Report (for short 'FIR') against Incharge Headmaster, Primary School, Dewbra, Naubatpur, Patna for black marketing of rice of Mid-day Meal Scheme.

2. Learned counsel for the petitioner submitted that though a written report regarding black marketing of rice of Mid-day Meal was given to the Officer-in-Charge of Naubatpur Police Station on 12.12.2016, no FIR has been registered till date.

3. A counter affidavit has been filed on behalf of the State wherein it has been stated that there is no specific



information that any defalcation of grains of Mid-day Meal Scheme was made by the Headmaster of the school in question. In absence of any cogent material, the FIR has not been instituted till date.

4. Be that as it may, if the person is aggrieved by the refusal on the part of the Officer-in-charge of police station to record the information referred to in sub-section (1) of Section 154 of the Code of Criminal Procedure (for short 'CrPC'), he may send the substance of such information, in writing and by post, to the Superintendent of Police concerned who, if satisfied that such information discloses the commission of a cognizable offence, shall either investigate the case himself or direct an investigation to be made by any police officer subordinate to him, in terms of Section 154(3) of the CrPC. In case, an investigation is not conducted in spite of an information given in writing to the Superintendent of Police, the petitioner may file a complaint under Section 190 and 200 of the CrPC and make a request to the court to send the complaint to the police for investigation under Section 156(3) of the CrPC.

5. The petitioner having not taken any steps either under Section 154(3) of the CrPC or under Sections 190 and 200



of the CrPC has directly approached this Court for a direction to the respondents to institute FIR.

6. In view of the availability of the equally efficacious statutory remedies under the CrPC, I am not inclined to entertain this application in extraordinary writ jurisdiction under Article 226 of the Constitution of India.

7. The application is dismissed.

(Ashwani Kumar Singh, J.)

Sanjeet/-

AFR/NAFR	NAFR
CAV DATE	NA
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