

IN THE HIGH COURT OF JUDICATURE AT PATNA
Criminal Writ Jurisdiction Case No.191 of 2019

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

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Kumar Balmukund, S/o Sri Virendra Singh, resident of Subhanpur, P.S-
Kashichak, Distt.-Nawada

... .. Petitioner/s

Versus

1. The State of Bihar through the Superintendent of Police, Nawada, Bihar
2. The Superintendent of Police, Nawada
3. The Officer-in-charge, Kashichak Police Station-Kashichak, Distt.-Nawada

... .. Respondent/s

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Appearance :

For the Petitioner/s : Mr. Madan Prasad Singh No.2, Advocate
For the Respondent/s : Mr. Manish Kumar, GP-4

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CORAM: HONOURABLE MR. JUSTICE ASHWANI KUMAR SINGH
ORAL JUDGMENT

Date : 30-01-2019

This writ petition has been filed by the petitioner for directing the respondents to institute the first information report on the basis of written report dated 02.04.2018 sent by the petitioner to the Officer-in-charge of Kashichak, Nawada Police Station.

2. Learned counsel for the petitioner submitted that in respect of a cognizable offence punishable under Sections 3 and 4 of the Dowry Prohibition Act, the petitioner submitted a written report to the Officer-in-charge of Kashichak Police Station, which was not accepted. Thereafter, he sent the said written report under registered post to the Officer-in-charge of the Police Station, but even, thereafter, the first information report was not registered. Being aggrieved by the inaction of the Officer-in-charge, the



petitioner filed two petitions dated 29.08.2018 and 06.11.2018 before the Superintendent of Police, Nawada, reiterating the allegation as made in the written report sent to the Officer-in-charge of the Police Station, but no action was taken even by the Superintendent of Police. He submitted that since the petitioner has complied with the mandatory requirements of Section 154(1) and 154(3) of the Code of Criminal Procedure and the police have failed to register first information report against the accused persons, the petitioner has no other option but to approach this Court for issuance of a direction to the respondents to institute first information report against the accused persons named in the written report.

3. *Per contra*, learned counsel appearing for the State submitted that the petitioner has made allegation of demand of dowry against his own parents in the written report annexed as Annexure-1 to this petition. He contended that the petitioner has an equally efficacious statutory remedy available to him for the redressal of his grievance before the jurisdictional Magistrate. In case of refusal by the police to register an FIR, the petitioner can file a complaint under Sections 190 and 200 of the Code of Criminal Procedure before the jurisdictional Magistrate who may proceed in accordance with law.



4. I have heard learned counsel for the parties and carefully perused the record.

5. I am of the opinion that in case the police have not instituted first information report pursuant to a report made by the petitioner regarding a cognizable offence, the petitioner ought to have filed a complaint in the Court under Sections 190 and 200 of the Code of Criminal Procedure. He can also make a request to the Court to send the complaint to the police for investigation in exercise of powers conferred under Section 156(3) of the Code of Criminal Procedure.

6. As the petitioner has not availed the statutory remedy available in law, I am not inclined to entertain the writ petition keeping in mind the judgment of the Supreme Court in **Sakiri Vasu vs. State of Uttar Pradesh & Ors. [(2008) 2 SCC 409]**.

7. The writ petition is dismissed.

(Ashwani Kumar Singh, J.)

Sanjeet/R.Ranjan

AFR/NAFR	NAFR
CAV DATE	NA
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