

IN THE HIGH COURT OF JUDICATURE AT PATNA
Criminal Writ Jurisdiction Case No.364 of 2019

Arising Out of PS. Case No.- Year-0 Thana- District- Patna

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Ram Chandra Paswan, S/o Late Hardeo Paswan, Resident of Gurki Mandi,
Arfabad Colony, P.S.-Alamganj, District-Patna

... .. Petitioner/s

Versus

1. The State of Bihar through the D.G.P-cum-Inspector General of Police, Bihar, Patna
 2. The Principal Secretary, Department of Home (Police), Bihar, Patna.
 3. The Senior Superintendent of Police, Patna, District- Patna
 4. The Additional Superintendent of Police, Patna
 5. S.H.O. Alamganj Police Station, District- Patna
 6. Dwarika Pd. Singh S/o Late Sita Ram Singh.
 7. Satya Narayan Singh S/o Late Sita Ram Singh.
 8. Sarda Devi W/o Dwarika Pd. Singh.
 9. Anita Kumari D/o Dwarika Pd. Singh.
 10. Meera Devi W/o Satya Narayan Singh.
 11. Puja Kumari D/o Satya Narayan Singh.
 12. Tamanna Patel D/o Satya Narayan Singh
 13. Babita Devi W/o Raja Ram Singh
- 6 to 13 are resident of Gurki Mand, P.S. - Alamganj, District- Patna

... .. Respondent/s

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Appearance :

For the Petitioner/s : Dr. Shashi Shekhar Kishore, Advocate
Mr. Abhay Krishna, Advocate
For the Respondents-State: Mr. Sanjay Kumar Ghosarvey, AC to AAG-3

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CORAM: HONOURABLE MR. JUSTICE ASHWANI KUMAR SINGH
ORAL JUDGMENT

Date : 13-02-2019

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

2. The grievance of the petitioner in the instant writ
petition is that despite written report regarding an information
about commission of a cognizable offence on 02.02.2015 to the
Station House Officer (for short 'SHO') S.C. & S.T. P. S., Patna as



contained in Annexure-1 to the present writ petition, the SHO has failed to take any action.

3. He submitted that a direction be issued to the respondent-SHO to forthwith register first information report on the basis of the written report submitted by the petitioner and investigate the same. He has further contended that the allegations made in the first information report would clearly attract cognizable offence punishable under the Indian Penal Code and the Scheduled Castes and Scheduled Tribes (Prevention of Atrocities) Act, as the petitioner is a member of a scheduled caste community.

4. *Per contra*, learned counsel appearing for the State submitted that the writ petition is misconceived. There is no explanation as to why the petitioner has approached this Court after four years of submission of the alleged written report. If the first information report was not instituted despite disclosure of a cognizable offence, the remedy available to the petitioner was under Section 154(3) of the Code of Criminal Procedure (for short 'CrPC') before the Superintendent of Police, but the same has also not been availed of.

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



6. In case, an information regarding the commission of a cognizable offence is given to the Officer-in-charge of the police station in terms of Section 154(1) of the CrPC and the Officer-in-charge declines to register first information report, the person aggrieved may send the substance of such information in writing and by post to the Superintendent of Police in terms of Section 154(3) of the CrPC. In case, the Superintendent of Police fails to take any action in this behalf, the aggrieved person may approach the superior police officers in this regard under Section 36 of the CrPC. Despite all these steps, if the first information report is not registered and investigation is not taken up, the person aggrieved can file a complaint under Section 200 of the CrPC before the Magistrate concerned, who may either inquire into the complaint himself or direct the police to institute an FIR under Section 156(3) of the CrPC.

7. Apparently, no steps has been taken by the petitioner under the statutory provisions prescribed in law for the redressal of his grievance.

8. It has rightly been pointed out by the learned counsel for the State that if the written report was submitted to the police by the petitioner on 02.02.2015 and no FIR was instituted, the petitioner ought to have approached the Superintendent of Police



under Section 154(3) of the CrPC. Having not done so, since the petitioner has come to this Court after lapse of over four years and no plausible explanation in this regard has been given either in the writ petition or in the oral submission made by the learned counsel before the Court, I am not inclined to entertain this application in extraordinary writ jurisdiction. The writ petition is dismissed with liberty to the petitioner to invoke the statutory remedies available to him in accordance with law for the redressal of his grievances.

(Ashwani Kumar Singh, J.)

Sanjeet/-

AFR/NAFR	NAFR
CAV DATE	NA
Uploading Date	14.02.2019
Transmission Date	NA

