

IN THE HIGH COURT OF JUDICATURE AT PATNA
Criminal Writ Jurisdiction Case No.515 of 2019

Arising Out of PS. Case No.-1466 Year-2018 Thana- PATNA COMPLAINT CASE District-
Patna

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Vijay Shankar Prasad, S/o Late Dharamdev Lal, Resident of Village -Daudpur, P.S.- Shahpur, Distt.- Patna presently residing at Mohalla - Sadar Bazar L D Market Danapur, P.O- Danapur Cantt, P.S.-Danapur, Distt.-Patna.

... .. Petitioner

Versus

1. The State of Bihar through Director General of Police, Government of Bihar, Distt.-Patna (Bihar)
2. The Inspector General of Police, Patna Zone, Police office, District-Patna-800001.
3. The Deputy Inspector General of Police, Central Range, Police office, Distt.-Patna-800001
4. The District Magistrate, Patna, Distt.- Patna
5. The Senior Superintendent of Police, Distt.- Patna
6. The City Superintendent of Police, Distt.- Patna
7. The Sub-Divisional Police Officer, Danapur Distt.- Patna-801503
8. The Station House Officer, Shahpur Police Station, Distt.- Patna-801503
9. The Circle Officer, Maner, Post- Maner, District- Patna-801503
10. Arjun Rai Son of Raghunandan Rai Resident of Village - Daudpur, Shahpur, P.S-Shahpur, Distt.-Patna.

... .. Respondents

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Appearance :

For the Petitioner/s : Mr. Anil Kumar Singh, Advocate
For the Respondent/s : Mr. Apurva Kumar, AC to GA-4

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CORAM: HONOURABLE MR. JUSTICE ASHWANI KUMAR SINGH
ORAL JUDGMENT

Date : 26-03-2019

In the instant writ petition, the petitioner seeks a direction to be issued to the respondent nos.1 to 8 to register First Information Report (for short 'FIR') in compliance of the order dated 22.11.2018 passed by the learned Additional Chief Judicial Magistrate, Danapur under Section 156(3) of the Code



of Criminal Procedure (for short 'Cr.P.C.') in Complaint Case No. 1466(c) of 2018.

2. Learned counsel for the petitioner submitted that in the Complaint Case No. 1466(c) of 2018 filed by the petitioner, vide order dated 22.11.2018, the learned A.C.J.M., Danapur directed the Officer-in-charge, Shahpur Police Station to investigate the allegations made in the complaint but, till date, no FIR has been registered.

3. The petitioner has not brought on record the order dated 22.11.2018 whereby the learned A.C.J.M. is said to have directed the Officer-in-charge, Shahpur Police Station to investigate into the allegations made in the complaint. In absence of the same, it is not known as to whether any order was passed on 22.11.2018 by the learned A.C.J.M., Danapur or not. That apart, if an order has been passed by the Magistrate for investigation into the allegations made in the complaint, it is for the Magistrate concerned to ensure compliance of the order. The Cr.P.C. gives adequate powers to the Magistrate concerned to get his order complied with. A writ proceeding can not be used for execution of an order passed by a Magistrate.

4. In that view of the matter, I am not inclined to entertain the instant application filed by the petitioner.



5. The application is dismissed.

6. However, the petitioner would be at liberty to approach the court of A.C.J.M., Danapur for the redressal of his grievance.

(Ashwani Kumar Singh, J.)

Sanjeet/R.Ranjan-

AFR/NAFR	NAFR
CAV DATE	NA
Uploading Date	28.03.2019
Transmission Date	28.03.2019

