

IN THE HIGH COURT OF JUDICATURE AT PATNA
Criminal Writ Jurisdiction Case No.562 of 2019

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

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Ranjeet Kumar Singh @ Ranjeet Singh, Male aged about 60 years S/o Ram Bichar Singh, Resident of Village-Basudeopur Chandel, P.S.-Mahua, District-Vaishali at present residing at Ward no.16, Chandraharpur, Muktapur, District-Samastipur.

... .. Petitioner

Versus

1. The State Of Bihar through Senior Superintendent Of Police, Vaishali
2. The Senior Superintendent of Police, Vaishali.
3. The Sub Divisional Police Officer, Sub Division, Mahnar, District-Vaishali.
4. The Chairperson of Mahnar Police Station or Officer Incharge of Mahnar Police Station, Dist.-Vaishali .
5. The Sub Divisional Magistrate, Mahnar Sub Division, District-Vaishali.
6. Nabin Singh Male aged about 42 years Son of Late Nagendra Singh, Resident of Village-Basudeopur, Resident of Village Chandel, P.S.-Mahnar, District-Vaishali.
7. Mukesh Singh Male aged about 38 years Son of Late Nagendra Singh, Resident of Village-Basudeopur, Resident of Village Chandel, P.S.-Mahnar, District-Vaishali.
8. Amaresh Singh Male aged about 40 years Son of Late Nagendra Singh, Resident of Village-Basudeopur, Resident of Village Chandel, P.S.-Mahnar, District-Vaishali.

... .. Respondents

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Appearance :

For the Petitioner	:	Ms. Vagisha Pragya Vacarnavi, Advocate Mr. Manu Tripurari, Advocate Mr. Pradeep Kumar Singh, Advocate
For the Respondent/s	:	Mr. Manish Kumar, GP-4

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CORAM: HONOURABLE MR. JUSTICE ASHWANI KUMAR SINGH
ORAL JUDGMENT

Date : 09-04-2019

The petitioner filed an application making complaint against respondent no. 6 before the Officer-in-charge of Mahnar Police Station. Since the police failed to take any action, he preferred an application before the Sub-Divisional Police Officer



on 07.06.2018 and requested to take action against respondent no. 6, whereafter, Mahnar police lodged a non-FIR Case No. 57 of 2018 dated 06.08.2018 and a report was sent to the Sub-Divisional Magistrate, Mahnar to initiate a proceeding under Section 144 of the Code of Criminal Procedure (for short 'CrPC') against both the parties. On receipt of report of respondent no. 4, the Sub-Divisional Magistrate, Mahnar initiated a proceeding under Section 144 of the CrPC against the petitioner and respondent no. 6. By his order dated 17.09.2018 restrained both the parties from going near the land in question. During the pendency of the proceeding under Section 144 of the CrPC, respondent no. 6 allegedly violated the injunction order. Thereafter, an application was filed by the petitioner on 20.10.2018 before the Sub-Divisional Magistrate for initiating a proceeding under Section 188 of the CrPC against respondent no. 6, pursuant to which, on 20.10.2018, the Sub-Divisional Magistrate called for a report from Mahnar Police. But, no report has been sent by the Mahnar Police.

2. Being aggrieved by non-compliance of the order of the Sub-Divisional Magistrate, the petitioner has filed the instant writ petition under Articles 226 and 227 of the Constitution of India before this Court seeking execution of the order of the Sub-Division Magistrate dated 20.10.2018.



3. The writ petition is thoroughly misconceived. The extra-ordinary writ jurisdiction under Article 226 of the Constitution of India or the supervisory jurisdiction of this Court under Article 227 of the Constitution of India cannot be abused for the purpose of seeking execution of an order passed by a court of executive Magistrate. It is dismissed, accordingly.

(Ashwani Kumar Singh, J)

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AFR/NAFR	NAFR
CAV DATE	NA
Uploading Date	16.04.2019
Transmission Date	16.04.2019

