

IN THE HIGH COURT OF JUDICATURE AT PATNA
Criminal Writ Jurisdiction Case No.670 of 2019

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

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Mahavir Kumar Sharma Son of Sri Ashok Sharma, Resident of Village-
Hadipur, Ward No. 10, P.O.- Gahuni, P.S.- Bachwara District Begusarai.

... .. Petitioner/s

Versus

1. The State of Bihar
2. The Principal Secretary, Deptt. of Home, Govt. of Bihar, Patna.
3. The Director General of Police, Old Secretariat, Patna.
4. The Senior Superintendent of Police, Begusarai.
5. The officer in-Charge, Bachwara P.s.- Begusarai

... .. Respondent/s

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Appearance :

For the Petitioner/s	:	Mr. Kumar Praveen
For the Respondent/s	:	Mr. Prabhat Kumar Verma
		Mr. Anand Kumar

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CORAM: HONOURABLE MR. JUSTICE ASHWANI KUMAR SINGH
ORAL ORDER

2 22-04-2019 The petitioner has prayed for a direction to be issued to the respondent authorities to immediately lodge FIR and take legal action against the accused persons, who allegedly took Rs. 1,16,200/- from the petitioner in their bank accounts on different dates in the name of opening of Customer Service Centre of the UCO Bank. The petitioner has further prayed for issuance of a direction to the respondent authorities to arrest the accused persons and their associates, who are allegedly indulged in the fraud with the petitioner.

The contention of the petitioner is that despite information having been given to the respondent no.5 regarding



a cognizable offence, an FIR has not been instituted.

Per contra, learned counsel for the State submitted that if the contention of the petitioner is true, he ought to have taken the efficacious remedies available under the Code of Criminal Procedure instead of invoking the writ jurisdiction of this Court.

Having heard the parties, I am of the opinion that the instant application is misconceived.

Under Section 154 (3) of the Code of Criminal Procedure (for short 'Cr.P.C'), any person aggrieved by a refusal on the part of an officer-in-charge of a police station to record information referred to in sub-section (1) of Section 154 of the Cr.P.C 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, is required either to investigate the case himself or direct an investigation to be made by any police officer subordinate to him.

In case any person is aggrieved by refusal on the part of the Superintendent of Police to investigate the case himself or direct an investigation to be made after receipt of such information in writing and by post, he may file an application



under Sections 190 and 200 of the Cr.P.C before the court of jurisdictional Magistrate and pray for referring the complaint to the police for investigation in exercise of powers conferred under Section 156(3) of the Cr.P.C.

Since no FIR has been instituted so far and no one has been made accused till date, there is no question for issuing any direction to the respondents to arrest any.

Hence, in view of the availability of the equally efficacious statutory remedy to the petitioner for the redressal of his grievances and having not availed of, I am not inclined to entertain this application in extraordinary jurisdiction under Article 226 of the Constitution of India.

Accordingly, the application is dismissed with liberty to the petitioner to avail of the statutory remedy available to him for redressal of his grievances.

(Ashwani Kumar Singh, J)

pradeep/sneha

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