

IN THE HIGH COURT OF JUDICATURE AT PATNA
Criminal Writ Jurisdiction Case No.744 of 2019

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

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Umesh Singh aged about 63 years (Male) Son of Late Baleshwar Singh R/o
Village- Lakhanpura, P.S.- Bakhtiyarpur, District- Patna.

... .. Petitioner

Versus

1. The State Of Bihar through the Principal Secretary, Deptt. Of Home, Govt. Of Bihar, Patna.
2. The Senior Superintendent of Police, Patna.
3. The District Magistrate, Patna.
4. The Sub- Divisional Officer (S.D.O.), Barh, Patna
5. The Deputy Superintendent of Police Barh, Patna.
6. The Officer-in-charge of Bakhtiyarpur Police Station, Patna.
7. The Circle Officer Bakhtiyarpur, Patna. Patna.

... .. Respondents

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Appearance :

For the Petitioner/s : Mr.Lal Babu Singh, Advocate
For the Respondent/s : Mr.Sheo Shankar Prasad-SC 8

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CORAM: HONOURABLE MR. JUSTICE ASHWANI KUMAR SINGH
ORAL JUDGMENT

Date : 01-05-2019

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

2. This application under Articles 226 and 227 of
the Constitution of India has been filed by the petitioner for
directing the respondent-authorities to take proper action on the
application filed by the petitioner on 03.12.2018 to the Officer-in-
charge, Bakhtiyarpur Police Station.

3. It is submitted by the learned counsel for the
petitioner that despite the written report dated 03.12.2018



submitted by the petitioner to the SHO, Bakhtiyarpur Police Station in respect of a cognizable offence, no first information report (for short 'FIR') has been instituted against the accused, namely, Navin Singh, Anil Singh and Mantu Singh.

4. On query, as to whether any step under Section 154(3) of the Code of Criminal Procedure (for short 'CrPC') has been taken by the petitioner on refusal by the SHO to register the FIR, learned counsel for the petitioner admitted that no information in writing and by post has been sent to the concerned Superintendent of Police in terms of Section 154(3) of the CrPC.

5. On information having been given to an officer-in-charge of an police station if no FIR is registered, the remedy lies under Section 154(3) of the CrPC which provides that any person aggrieved by a refusal on the part of an officer-in-charge of a police station to record the information referred to in sub-section (1) 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, shall either investigate the case himself or direct an investigation to be made by any police officer subordinate to him, in the manner provided by this Code, and such



officer shall have all the powers of an officer-in-charge of the police station in relation to that offence.

6. In spite of information having been given to the Superintendent of Police, as provided under Section 154(3) of the CrPC, if the FIR is not instituted, the petitioner has yet another statutory remedy under Sections 190 and 200 of the CrPC. He can file a complaint in the court of jurisdictional Magistrate and make a request for sending the complaint to the police for investigation in terms of Section 156(3) of the CrPC.

7. Since the petitioner has not taken any steps either under Section 154(3) of the CrPC or under Sections 190 and 200 of the CrPC, I am not inclined to entertain this application in the extra-ordinary jurisdiction under Articles 226 and 227 of the Constitution of India.

8. Accordingly, the application is dismissed with liberty to the petitioner to invoke the statutory provisions of the CrPC for redressal of his grievance.

(Ashwani Kumar Singh, J)

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AFR/NAFR	NAFR
CAV DATE	NA
Uploading Date	02.05.2019
Transmission Date	

