

IN THE HIGH COURT OF JUDICATURE AT PATNA
Criminal Writ Jurisdiction Case No.998 of 2019

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

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Ramadhin Mahto son of Late Pillo Mahto, Resident of Village- Koli, P.S.-
Halsi, District- Lakhisarai.

... .. Petitioner

Versus

1. The State of Bihar through Chief Secretary, Government of Bihar, Patna
2. The Principal Secretary, Vigilance Department, Government of Bihar, Patna.
3. The Principal Secretary, Revenue and Land Reforms Department,
Government of Bihar, Patna.
4. The Divisional Commissioner, Munger, District- Munger.
5. The District Magistrate cum Collector, Lakhisarai, District- Lakhisarai.
6. The Sub Divisional Officer, Lakhisarai, District- Lakhisarai.
7. The Director General of Police, Government of Bihar, Patna.
8. The Deputy General of Police, Munger.
9. The Superintendent of Police, Lakhisarai, District- Lakhisarai.
10. The Station House Officer (S.H.O.), P.S. Ramgarh Chowk, District-
Lakhisarai.
11. The Block Development Officer, Ramgarh Chowk, District- Lakhisarai.
12. The Circle Officer, Ramgarh Chowk, District- Lakhisarai.
13. Raj Kumar Mahto son of Bharoshi Mahto Resident of Village- Koli, P.S.-
Halsi, District- Lakhisarai.

... .. Respondents

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Appearance :

For the Petitioner/s : Mr.Arun Kumar, Advocate
For the Respondent/s : Ms. Divya Verma, AC to AAG-3

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CORAM: HONOURABLE MR. JUSTICE ASHWANI KUMAR SINGH
ORAL JUDGMENT

Date : 01-07-2019

It is submitted by the learned counsel for the

petitioner that despite a written report having been submitted on
03.04.2019 to the Officer-in-charge of Ramgarh Chowk Police
Station in respect of a cognizable offence, no FIR has been
instituted till date. It is further submitted that on refusal of



Officer-in-charge of Ramgarh Chowk Police Station to entertain the written report of the petitioner, an application in writing has also been submitted to the Superintendent of Police, Lakhisarai, but the same has also yielded no result. On the basis of the aforesaid submissions, a prayer has been made by the petitioner to direct the respondents to register an FIR against the respondent no.13, namely, Raj Kumar Mahto for the alleged fraud committed by him pertaining to land bearing Khata No.173, Khesra No.1281 admeasuring 10 decimals and also for the land bearing Khata No.177, Khesra No.1283 admeasuring 24 decimals both situated in village Koli, Thana No.167, District- Lakhisarai.

2. Per contra, learned counsel for the State submitted that no application was submitted by the petitioner before the officer-in-charge of the police station. She has submitted that the application to the Superintendent of Police, Lakhisarai was also not sent by post as provided under Section 154(3) of the Code of Criminal Procedure (for short 'Cr.P.C.').

3. Be that as it may, at this stage, I am not inclined to entertain this application in view of the fact that in case on the basis of a written report regarding a cognizable offence, if the officer-in-charge of the concerned police station



failed to register FIR and after being represented the Superintendent of Police also failed to get the matter investigated by any police officer, the petitioner has yet a statutory remedy available in law. He can file an application under Sections 190 and 200 of the Cr.P.C. before the Court of Magistrate and make an application for sending the complaint to the police for investigation in exercise of powers conferred under Section 156(3) of the Cr.P.C.

4. In view of the availability of an equally efficacious statutory remedy to the petitioner for the redressal of his grievance, I am not inclined to entertain this writ petition.

5. The application is dismissed with liberty to the petitioner to avail the statutory remedy available in law.

(Ashwani Kumar Singh, J)

Md. S/-

AFR/NAFR	NAFR
CAV DATE	N/A
Uploading Date	06.07.2019
Transmission Date	

