

IN THE HIGH COURT OF JUDICATURE AT PATNA
Criminal Writ Jurisdiction Case No.1024 of 2019

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

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Mahanand Mishra, Son of Late Kamlanand Mishra, Resident of Village - Kakaroul, P.S.- Rahika, District - Madhubani, at present working as Advocate Clerk, bearing registration No. 1307/2018, Patna High Court, residing at Mohalla - Rajiv Nagar, Road No. 18/4A, P.S.- Rajiv Nagar, District - Patna.

... .. Petitioner

Versus

1. The State of Bihar
2. The Registrar General, High Court of Judicature at Patna.
3. The Director General of Police, Bihar, Patna.
4. The Deputy Inspector General of Police, Darbhanga Range, Darbhanga.
5. The Superintendent of Police, District - Madhubani.
6. The Officer-In-charge, Arer Police Station, District - Madhubani.
7. The Officer-In-charge, Rahika Police Station, District - Madhubani.

... .. Respondents

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Appearance :

For the Petitioner	:	Mr. Mahanand Mishra, In person
For the Respondent-State:		Mr. Ruchikar Jha, AC to SC-8

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CORAM: HONOURABLE MR. JUSTICE ASHWANI KUMAR SINGH
ORAL JUDGMENT

Date : 02-07-2019

The sole defect pointed out by the registry is ignored.

2. Heard the petitioner, who has appeared in person.

3. The prayer of the petitioner is to direct the respondent no.6, the Officer-in-charge, Arer Police Station, Madhubani to institute First Information Report (for short 'FIR') on the basis of his application dated 27.04.2015 regarding a cognizable offence, which was sent through post to the concerned Officer-in-charge.



4. It is not known whether the information submitted by the petitioner through post to the Officer-in-charge of Arer Police Station was ever received by him or not. In any view of the matter, if on receipt of an information regarding cognizable offence, the Officer-in-charge of the police station refuses to register FIR, the petitioner has a statutory remedy under Section 154(3) of the Code of Criminal Procedure (for short 'CrPC'). He can send a written information to the Superintendent of Police concerned in writing and by post and if satisfied that such information discloses the commission of a cognizable offence, the Superintendent of police would either investigate the case himself or direct an investigation to be made by any police officer subordinate to him in terms of Section 154(3) of the CrPC. In case, in spite of action having been taken under Sections 154(1) and 154(3) of the CrPC relating to the commission of a cognizable offence, an FIR is not registered, the petitioner can file a complaint under Sections 190 and 200 of the CrPC before the jurisdictional Magistrate and make a request for sending the complaint to the police for investigation under Section 156(3) of the CrPC.

5. Instead of availing the aforesaid statutory remedies, the petitioner has chosen to file an application under Article 226 of the Constitution of India for issuance of a direction to the Officer-



in-charge of the police station to institute an FIR on the basis of a written report sent by post.

6. In view of the availability of equally efficacious statutory remedy in the CrPC, I am not inclined to entertain this application.

7. The application is dismissed.

(Ashwani Kumar Singh, J.)

Sanjeet/-

AFR/NAFR	NAFR
CAV DATE	NA
Uploading Date	06.07.2019
Transmission Date	06.07.2019

