

IN THE HIGH COURT OF JUDICATURE AT PATNA

Criminal Writ Jurisdiction Case No.973 of 2019

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

VIJAY CHOUDHARY Son of Premchand Choudhary Resident of Village -
Shiv Chak, P.S. - Bhagwanganj, District – Patna. Petitioner
Versus

1. The State of Bihar through the Chief Secretary of Government of Bihar,
Patna.
 2. The Senior Superintendent of Police Patna.
 3. Sub Divisional Police Officer, Masaurhi, Patna.
 4. The S. H. O. of Police Station, Bhagwanganj, Patna. Respondents
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Appearance :

For the Petitioner : Mr.Ajay Kumar Sinha, Advocate
For the Respondent-State: Mr.Manish Kumar, GP-4

CORAM: HONOURABLE MR. JUSTICE ASHWANI KUMAR SINGH
ORAL JUDGMENT

Date : 25-06-2019

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

2. This application under Article 226 of the
Constitution of India has been filed by the petitioner for directing
respondent no. 4 to institute first information report and make
investigation into the written report submitted to him on
27.05.2019 in terms of Section 154(1) of the Code of Criminal
Procedure (for short ‘CrPC’).

3. On query, learned counsel for the petitioner
conceded that on refusal on the part of the officer-in-charge of the
police station to record information referred to in sub-section (1)
of Section 154, the substance of which information written or by
post was not sent to the Superintendent of Police concerned.



4. In that view of the matter, if the written report submitted by the petitioner to the officer-in-charge made out a cognizable offence and, on receipt the officer-in-charge had refused to institute the first information report and investigate the same, the petitioner has still a remedy under Section 154(3) of the CrPC.

5. That apart, the petitioner has also remedy for redressal of his grievance under Sections 190 and 200 of the CrPC. In case of refusal on the part of the police to institute an FIR, a complaint can be filed under Sections 190 and 200 of the CrPC and a prayer can be made to the court of Magistrate to send the same for the purpose of investigation in exercise of powers conferred under Section 156(3) of the CrPC.

6. In view of availability of the statutory remedies to the petitioner for redressal of his grievance raised in the instant writ petition, I am not inclined to entertain the writ petition. The application is dismissed.

(Ashwani Kumar Singh, J)

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AFR/NAFR	NAFR
CAV DATE	NA
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