

IN THE HIGH COURT OF JUDICATURE AT PATNA
Criminal Writ Jurisdiction Case No.1266 of 2019

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

Sanjiv Singh, Son of Late Sita Ram Gope, Resident of Village-Dujra, P.S.-
Budha Colony, District- Patna.

... .. Petitioner

Versus

1. The State of Bihar through Home Secretary, Government of Bihar, Patna.
2. The Director General of Police, Bihar, Patna.
3. The Inspector General of Police, Patna.
4. The District Inspector General of Police, Patna.
5. The Senior Superintendent of Police, Patna.
6. The Station House Officer, Buddha Colony Police Station, Patna.

... .. Respondents

Appearance :

For the Petitioner : Mr. Kunal Tiwary, Advocate
For the Respondents-State: Mr. Sheo Shankar Prasad, SC-8

CORAM: HONOURABLE MR. JUSTICE ASHWANI KUMAR SINGH
ORAL JUDGMENT

Date : 03-09-2019

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 lodge First Information Report (for
short 'FIR') pursuant to the complaint dated 12.07.2019 filed
before the Officer-in-charge of Buddha Colony Police Station.

3. Learned counsel appearing for the petitioner
submitted that in spite of a complaint having been made under
Section 154(1) of the Code of Criminal Procedure (for short



‘Cr.P.C.’) to the Officer-in-charge of Budha Colony Police Station on 29.07.2019, no FIR has been registered. He submitted that the petitioner sent a copy of the written report to the Superintendent of Police, Patna and other superior police officers through registered post on 30.07.2019 under section 154 (3) of the Cr.P.C., but the same also yield no result. Despite that, no FIR has been instituted till date.

4. In the opinion of this Court, no case for issuance of any mandamus is made out.

5. The petitioner has a remedy available under Section 200 and 156(3) of the Cr.P.C. for the redressal of his grievance.

6. In **Sakiri Vasu vs. State of U.P. and Ors. [(2008) 2 SCC 409]**, the Supreme Court has ruled that if a person has a grievance that the police station is not registering his FIR under section 154 Cr.P.C., then he can approach the Superintendent of Police under Section 154(3) Cr.P.C. by an application in writing. Even if that does not yield any satisfactory result in the sense that either the FIR is still not registered, or that even after registering it no proper investigation is held, it is open to the aggrieved person to file an application under Section 156(3) Cr.P.C. before the learned Magistrate concerned. If such an application under Section 156(3) is filed before the Magistrate, the Magistrate can direct the



FIR to be registered and also can direct a proper investigation to be made, in a case where, according to the aggrieved person, no proper investigation was made.

7. The Supreme Court further ruled in the aforesaid case that the High Court should discourage the practice of filing a writ petition or petition under Section 482 Cr.P.C. simply because a person has a grievance that his FIR has not been registered by the police, or after being registered, proper investigation has not been done by the police. For this grievance, the remedy lies under Sections 36 and 154(3) before the concerned police officers, and if that is of no avail, under Section 156(3) Cr.P.C. before the Magistrate or by filing a criminal complaint under Section 200 Cr.P.C and not by filing a writ petition or a petition under Section 482 Cr.P.C.

8. Keeping in mind the ratio laid down by the Supreme Court in **Sakiri Vashu (supra)**, the application is disposed of with liberty to the petitioner to avail of the remedies available in Cr.P.C. for the redressal of his grievances.

(Ashwani Kumar Singh, J.)

Sanjeet/-

AFR/NAFR	NAFR
CAV DATE	NA
Uploading Date	07.09.2019
Transmission Date	NA

