

IN THE HIGH COURT OF JUDICATURE AT PATNA
Criminal Writ Jurisdiction Case No.1363 of 2019

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

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Kalim Khan Son of Late Salikdar Khan Resident of Village- Tetrahi Tola
Halimchak, Police Station- Haspura, District- Aurangabad.

... .. Petitioner

Versus

1. The State Of Bihar Represented Through Secretary Home Deptt. Govt. Of Bihar, Patna Sitting At Old Secretariat Building Patna.
2. The Director General of Police, Bihar ,Patna Bihar
3. The Superintendent of Police, Aurangabad Bihar
4. The Sub-Divisional Complaint Officer,Anumandali Lok Sikath Nibaran Padadikari, Daudnagar,Aurangabad Bihar
5. Womens Commission (Mahila Ayoog), Patna. Bihar
6. The officer Incharge, Haspura Police Station, Aurangabad (Bihar) Bihar
7. Amir Khan Son of Sahkil Khan Resident of Village- Tetrahi Tola Halim Chuk, P.S.- Haspura, District- Aurangabad (Bihar)
8. Babar Khan Son of Ashrafil Khan Resident of Village- Tetrahi Tola Halim Chuk, P.S.- Haspura, District- Aurangabad (Bihar)
9. Mojahid Khan @ Hero Son of Ashrafil Khan Resident of Village- Tetrahi Tola Halim Chuk, P.S.- Haspura, District- Aurangabad (Bihar)
10. Sharafat @ Kaloo Son of Ashrafil Khan Resident of Village- Tetrahi Tola Halim Chuk, P.S.- Haspura, District- Aurangabad (Bihar)
11. Afsar Khan Son of Khurshid Khan Resident of Village- Tetrahi Tola Halim Chuk, P.S.- Haspura, District- Aurangabad (Bihar)

... .. Respondents

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Appearance :

For the Petitioner/s : Mr. Rajiv Ranjan
For the Respondent/s : Mr. Md. Nadim Seraj

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CORAM: HONOURABLE MR. JUSTICE ASHWANI KUMAR SINGH
ORAL ORDER

2 24-09-2019 The grievance of the petitioner is that inspite of an information regarding a cognizable offence having been given by the daughter of the petitioner, the Officer-in-charge of Haspura Police Station, Aurangabad has not instituted the first information report (for short 'FIR'). Hence, the petitioner has



prayed for issuance of a writ in the nature of mandamus directing the respondents to institute the FIR on the basis of the written report submitted by the daughter of the petitioner on 29.07.2019 to the Officer-in-charge of Haspura Police Station, Aurangabad.

In case the petitioner is aggrieved by the inaction on the part of the police in institution of the FIR, he has a remedy before the court of Magistrate under Sections 190 and 200 of the Code of Criminal Procedure (for short Cr.P.C.'). He can also make a prayer under Section 156(3) of the Cr.P.C for sending the complaint filed under Section 200 of the Cr.P.C to the police for investigation.

In view of the availability of an equally efficacious statutory remedy to the petitioner, I am not inclined to entertain the present application filed under Article 226 of the Constitution of India.

Accordingly, the application is disposed of with liberty to the petitioner to avail of the statutory remedy under the Cr.P.C for the redressal of his grievance.

(Ashwani Kumar Singh, J)

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