

**IN THE HIGH COURT OF JUDICATURE AT PATNA**

**Criminal Writ Jurisdiction Case No.1677 of 2019**

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

AJIT KUMAR Son of Yogendra Mahto Resident of Village-Ward No.9, New Tarachak, P.S.-Danapur, District-Patna At Present Flat No. C-Go4, Quality Campus Apartment, Lohiya Path, P.S.-Airport, District-Patna.

... .. Petitioner/s

Versus

1. The State Of Bihar Through The Home Commissioner (Police), Patna
2. The Director General of Police, Bihar, Patna.
3. The Senior Superintendent of Police, Patna.
4. The S.H.O., Airport Police Station, District-Patna.
5. Narendra Prasad Singh Son of Dev Prasad Singh Resident of Village - Flat No.C-GO 1, Quality Campus Apartment, Lohiyapath, P.S.- Airport, Distt.- Patna.

... .. Respondent/s

**Appearance :**

For the Petitioner/s : Mr.Pranav Kumar  
For the Respondent/s : Mr.Sheo Shankar Prasad

**CORAM: HONOURABLE MR. JUSTICE ARVIND SRIVASTAVA**  
**C.A.V. JUDGMENT**

**Date : 19-02-2020**

Heard learned counsels appearing for the parties.

The present writ application has been filed for a direction to the respondents to institute an F.I.R. and take action against the respondent no. 5.

It is submitted that petitioner took a flat for 11 months on basis of lease deed executed between him and the flat owner. After about fifteen days from the date he took possession of the flat one, respondent no. 5 threatened him to vacate the flat otherwise to be ready to face dire consequences. On 08.08.2019, respondent no. 5 entered into



his flat abused him and threatened to vacate the flat otherwise he will be murdered. Petitioner reported the matter to S.H.O. Airport Police Station, Patna, but no action was taken. Thereafter petitioner submitted an application (Annexure-4) to the Sr. S.P., Patna complaining against the S.H.O. The respondent no. 5, on getting knowledge about the complain made by the petitioner, ousted him from his flat and locked the same, but no protection was provided by the police. It is further submitted that the accused persons are still moving freely without any fear and the petitioner is on road.

At the outset, this Court may advert to the scope of interference by this Court in matters of police investigation which falls within the exclusive domain of the executive, as laid down in ***Sakiri Vasu Vs. State of Uttar Pradesh and Others, (2008) 2 SCC 409***. The guiding principles and procedure to be followed in cases of failure by the police to register an FIR or if proper investigation is not being conducted by the police after registering an FIR, have been enunciated in lucid detail in the said judgment, relevant extracts wherefrom may be reproduced fruitfully as under :-



*“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.”*

In the above circumstances and having regard to the above exposition of law, this Court is not inclined to interfere in the matter in exercise of its extra ordinary writ jurisdiction under Article 226 of the Constitution of India, as it has not been satisfactorily shown that the petitioner has taken appropriate steps for redressal of his grievances.

The writ petition, accordingly, stands dismissed.

**(Arvind Srivastava, J)**

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