

IN THE HIGH COURT OF JUDICATURE AT PATNA
Criminal Writ Jurisdiction Case No.1668 of 2019

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

ANITA DEVI W/O Sri Pramod Rai R/O- Village - Khairatali, P.O. -
Dariyapur, P.S.- Parsa Bazar, District - Patna.

... .. Petitioner/s

Versus

1. The State Of Bihar Through Its Principal Secretary, Home Deptt., Old Secretariat, Patna Bihar
2. The Director General of Police, Old Secretariat, Bihar, Patna.
3. The Senior superintendent of Police, Patna.
4. The Deputy Superintendent of Police, Kankarbagh, Patna.
5. The Sation House Officer (SHO), P.S. - Parsa Bazar, Patna.
6. Mukesh Kumar Sinha S/O- Sri Sanjay Singh R/O- Vill and Post - Dariyapur, P.S.- Parsa Bazar, Patna. At Present - Sri Krishnapuri, Boring Road(Near Bhagwat Kunj Apartment) Krishnapuri A.N. College, Patna
7. Antu Singh S/O- Sri Subhash Singh R/o - Vill. - Dariyapur, P.S. Parsa Bazar, Dist. - Patna.
8. Brajesh Singh S/O Not known R/O- Vill. - Bhailwara Faijalabad, P.O. - Mittanchak, P.S.- Sampatchak, Dist. - Patna.
9. Sri Umesh Singh son of not known P.S. Parsa Bazar, Dist. - Patna.

... .. Respondent/s

Appearance :

For the Petitioner/s	:	Mr.Rajesh Kumar
For the Respondent/s	:	Mr.Prabhat Kumar Verma

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 respondent no. 5 to institute an F.I.R. and investigate the case and immediately arrest the accused persons (respondent 2nd set) and further for commanding



the respondent to immediate hold enquiry as to why accused persons (respondent 2nd set) have not been arrested till now.

It is submitted that the respondent nos. 6 to 8 alongwith 8-10 unknown persons armed with Khanti, Iron rod, hammer and danda, entered into the house of this petitioner and started demolishing her house. In that event, respondent no. 6 took away Rs.10000/- and a golden ring of Rs. 25,000/-. On protest, the accused persons beaten the petitioner and her mother-in-law. The petitioner went to the Parsa Bazar Police Station where the accused persons were sitting from before. The Sub Inspector, Umesh Singh instead of taking action against the accused persons, caught the petitioner and kept her in lock-up and took thumb impression on a blank paper. She reported the matter to Senior S.P. but neither any F.I.R. was lodged nor any action was taken. It is further submitted that the accused persons are still moving freely without any fear.

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 registered 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 her grievances.

The writ petition, accordingly, stands dismissed.

(Arvind Srivastava, J)

mcv/-

AFR/NAFR	NAFR
CAV DATE	
Uploading Date	
Transmission Date	

