

IN THE HIGH COURT OF JUDICATURE AT PATNA
Criminal Writ Jurisdiction Case No.1959 of 2017

Arising Out of PS. Case No.- Year-1111 Thana- District-

Dr. Shree Narayan Jha S/o Late Harinarayan Jha, R/o Mohalla- Balbhadrapur,
East of N.P. Mishra Chowk, P.O. & P.S. Laheriasarai, District- Darbhanga,
Pin- 846001.

... .. Petitioner

Versus

1. The State Of Bihar Through The Principal Secretary, Home, Govt. Of Bihar,
Old Secretariat At Patna
2. The Director General of Police, Bihar, Police Headquarter, Old Secretariat at
Patna.
3. The Inspector General of Police Darbhanga Zone, Darbhanga.
4. The Deputy Inspector General of Police Darbhanga, Range, Darbhanga.
5. The Senior Superintendent of Police Darbhanga, at Darbhanga.
6. SDPO, Sadar, at Darbhanga.
7. The S.H.O. Laheriasarai, District- Darbhanga.
8. The District Magistrate, Darbhanga at Darbhanga.

... .. Respondents

Appearance :

For the Petitioner/s : Ms. Kumari Rashmi, Advocate.
For the Respondent/s : Mr. Md. Nasrul Huda Khan SC1

CORAM: HONOURABLE MR. JUSTICE RAJEEV RANJAN PRASAD
ORAL ORDER

2 13-12-2022 Heard learned counsel for the petitioner and Mr. N.H.
Khan, learned SC-1 for the State.

In this case, the petitioner is seeking a Mandamus directing the respondents to lodge a first information report against the named accused. Further prayer is to ensure safety of the life and property of the petitioner as according to him despite proper written complaint lodged before the SHO, Lahariasarai on 23.01.2017, till date no FIR was lodged.

A consolidated counter affidavit has been filed on behalf of official respondents. Perusal of the same would show that that the



petitioner has a series of litigation with his daughter-in-law and both the parties have lodged cases against each other.

So far as the grievance of the petitioner in the present case is concerned, in the writ application though it is stated that the petitioner had made a complaint with the local police vide Annexures '1' and '2' to the writ application and thereafter he had represented in this regard to the Senior Superintendent of Police, Darbhanga, there is no statement that on the failure of the local police and the Superintendent of Police to lodge the first information report, the petitioner approached the learned Chief Judicial Magistrate with an application under Section 156(3) Cr. P.C.

This Court, therefore, finds that the petitioner has moved this Court directly under Article 226 of the Constitution of India without approaching the learned competent court under Section 156(3) Cr. P.C. The Hon'ble Supreme Court, in the case of **Sakiri Vasu vs. State of UP** reported in **(2008) 2 SCC 409**, has observed that a writ application directly filed for lodging of the FIR is required to be discouraged.

In the aforesaid view of the matter, this Court would not entertain this writ application. It is dismissed accordingly.

(Rajeev Ranjan Prasad, J)

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