

IN THE HIGH COURT OF JUDICATURE AT PATNA
Criminal Writ Jurisdiction Case No.925 of 2018

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

Abdul Majid S/o Sahid Siddique, R/o Rajganj, Ward No. 10, P.S Narpatganj,
District Araria.

... .. Petitioner/s

Versus

1. The State Of Bihar Through Director General Of Police, Patna and Ors
2. The Deputy Director General of Police, Government of Bihar, Patna.
3. Deputy Secretary, home Department, Patna, Bihar.
4. The Inspector General of Police, Darbhanga Division.
5. The Superintendent of Police Araria.
6. The Sub Divisional Police Officer, Araria.
7. The Officer in Charge of Narapatganj Police Station, Araria.
8. Md. Nazir, S/o Late Md. Chhathu, R/o Rajganj, Ward No. 10, P.S Narpatganj, District Araria.

... .. Respondent/s

Appearance :

For the Petitioner/s	:	Mr.Chandra Kant, Advocate
For the Respondent/s	:	Mr.Suman Kumar Jha, AC to AAG-3

CORAM: HONOURABLE MR. JUSTICE RAJEEV RANJAN PRASAD
ORAL ORDER

2 19-12-2022 Heard learned counsel for the petitioner and the State.

Learned counsel for the petitioner submits that on the basis of his written complaint instead of lodging of the First Information Report police recommended for initiation of a proceeding under Section 107 Cr.P.C. His grievance is that police should have registered it as a First Information Report.

This Court has gone through the statements made in the writ application. There is no averment that the petitioner had followed the procedures required to be followed for this



purpose.

In the case of **Sakiri Vasu v. State of U.P. & Ors.** reported in **(2008) 2 SCC 409**, the Hon'ble Supreme Court has in paragraph '24', '25' and '26' observed as under:-

"24. In view of the abovementioned legal position, we are of the view that although Section 156(3) is very briefly worded, there is an implied power in the Magistrate under Section 156(3) CrPC to order registration of a criminal offence and/or to direct the officer in charge of the police station concerned to hold a proper investigation and take all such necessary steps that may be necessary for ensuring a proper investigation including monitoring the same. Even though these powers have not been expressly mentioned in Section 156(3) CrPC, we are of the opinion that they are implied in the above provision."

"25. We have elaborated on the above matter because we often find that when someone has a grievance that his FIR has not been registered at the police station and/or a proper investigation is not being done by the police, he rushes to the High Court to file a writ petition or a petition under Section 482 CrPC. We are of the opinion that the High Court should not encourage this practice and should ordinarily refuse to interfere in such matters and relegate the petitioner to his alternating remedy, first under Section 154(3) and Section 36 CrPC before the police officers concerned, and if that is of no avail, by approaching the Magistrate concerned under Section 156(3)."

"26. If a person has a grievance that his FIR has not been registered by the police station his first remedy is to approach the Superintendent of Police under Section 154(3) CrPC or other police officer referred to in Section 36 CrPC. If despite approaching the Superintendent of Police or the officer referred to in Section 36 his grievance still persists, then he can approach a Magistrate under Section 156(3) CrPC instead of rushing to the High Court by way of a writ petition or a petition under Section 482 CrPC. Moreover, he has a further remedy of filing a criminal complaint under Section 200 CrPC. Why



then should writ petitions or Section 482 petitions be entertained when there are so many alternative remedies?”

In the aforesaid view of the matter, this Court would not entertain this writ application. It is being disposed of with liberty to the petitioner to seek his remedy before the appropriate court in an appropriate jurisdiction.

This application stands disposed of accordingly.

(Rajeev Ranjan Prasad, J)

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