

IN THE HIGH COURT OF JUDICATURE AT PATNA
Criminal Writ Jurisdiction Case No.531 of 2021

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

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1. CHANDAN KUMAR MISHRA Son of Shobha Kant Mishra Resident of Village and Post- Pali, P.S.- Ghanshyampur, District- Darbhanga.
... .. Petitioner
- Versus
1. The State of Bihar through the Principal Secretary, Home, Govt. of Bihar, Patna.
2. The Director General of Police, Bihar, Patna.
3. The Inspector General of Police, Darbhanga.
4. The Deputy Inspector General of Police, Darbhanga.
5. The Senior Superintendent of Police, Darbhanga.
6. The Officer In-charge-cum-S.H.O., Ghanshyampur Police Station, District- Darbhanga.
... .. Respondent 1st Set
7. Siyaram Thakur Son of Late Rajnandan Thakur Resident of Village- Harpur Ladur, P.S.- Singhwara, District- Darbhanga.
8. Md. Sahdulla Son of Late Abdul Kasim Resident of Village- Ganaun, P.S.- Ghanshyampur, District- Darbhanga.
9. Md. Chand Son of Md. Idrish Resident of Village- Ganaun, P.S.- Ghanshyampur, District- Darbhanga.
10. Prem Chandra Prasad Son of Mahendra Chandra Prasad Resident of Mohalla- Awanda (Near REO Office Darbhanga-01), P.S.- Laheriya Sarai, District- Darbhanga.
.. ... Respondent 2nd Set
... .. Respondents
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Appearance :

For the Petitioner/s : Mr.Pankaj Kumar Jha, Advocate
For the Respondent/s : Mr. Ajay Kumar Sharma, AC to AG

CORAM: HONOURABLE MR. JUSTICE RAJEEV RANJAN PRASAD
ORAL ORDER

2 19-09-2022 Learned counsel for the petitioner shall remove all the defects as pointed out by the Stamp Reporter within three weeks from today.

Heard learned counsel for the petitioner and learned counsel for the State.

The petitioner in the present case is seeking following



reliefs:-

“(i) To issue an appropriate writ, order or direction commanding the respondents to institute a high level enquiry by a specialized agency to enquire into the cheating, fraud and misappropriation of money of petitioner by way of criminal breach of trust by the respondents 2nd set by using great deal of Criminal conspiracy, forgery and fraud.

(ii) To issue further appropriate writ, order or direction commanding the respondents to take all punitive legal action as well as an application dated 18.05.2020 filed by the petitioner before the Respondent No. 6 to lodge the F.I.R. against the Respondent 2nd Set within a time frame against the wrong doers on the basis of outcome of such enquiry and take appropriate legal steps for the recovery of amount of the petitioner.

(iii) To issue further appropriate writ, order or direction commanding the respondents to provide proper security to the petitioner, his family and with witnesses at the hands of respondents 2nd set.

(iv) This Hon’ble Court may adjudicate and hold that the action of respondent 2nd set is an act of great deal of forgery and fraud and high level design to cheat the



innocent person like the petitioner which needs a high level enquiry by a specialized agency in order to prevent further cheating and fraud by them to other innocent persons.

(v) This Hon'ble Court may further adjudicate and hold that it is a duty of respondent authority to provide due protection to the life and property of the petitioner.

(vi) To award cost of litigation and suitable compensation to the petitioner for the loss and damages caused to him due to the nefarious activities of the respondent 2nd set.

(vii) To award any other relief or reliefs for which the petitioners are found entitled in the fact circumstance of the case.”

On perusal of the writ application this Court finds that the petitioner is said to have submitted a petition before respondent No. 6 who is Officer-in-Charge, S.H.O. of the Ghanshyampur Police Station for lodging of the F.I.R. but the said written complaint of the petitioner has not been entertained. A statement has been made that the petitioner filed a written complaint before the Senior Superintendent of Police, Darbhanga on 27.06.2020 but again the F.I.R. has



not been lodged.

In the case of **Priyanka Srivastava &Anr Vs. The State of Uttar Pradesh and Ors.** reported in **(2015) 6 SCC 287**, the Hon'ble Supreme Court has given the guidelines in the matter of lodging of the F.I.R. and a complaint. If the petitioner has exhausted these procedures upto filing of the application under Section 154(3) Cr.P.C., he is at liberty to file a proper application under section 156(3) Cr.P.C. in the court of learned Chief Judicial Magistrate.

This Court would, however, not make any observation on the merit of the application and it is for the competent Court to consider the same on its own merits.

This application is being disposed of with aforesaid observations.

Certified copy of this order shall be made available only after removal of the defects.

(Rajeev Ranjan Prasad, J)

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Note: The ordersheet duly signed has been attached with the record. However, in view of the present arrangements, during Pandemic period all concerned shall act on the basis of the copy of the order uploaded on the High Court website under the heading 'Judicial Orders Passed During The Pandemic Period'.

