

IN THE HIGH COURT OF JUDICATURE AT PATNA
(FROM THE RESIDENTIAL OFFICE VIA VIDEO APPLICATION)
Criminal Writ Jurisdiction Case No.472 of 2022

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

PRIYANKA KUMARI, WIFE OF SRI RAVI SHANKAR JHA R/O
MOHALLA- SITA SARAN LANE, MITHAPUR, P.S.- JAKKANPUR,
DISTRICT- PATNA

... .. Petitioner

Versus

1. THE STATE OF BIHAR THROUGH THE PRINCIPAL SECRETARY,
DEPTT. OF HOME, GOVT. OF BIHAR, PATNA
2. THE DIRECTOR GENERAL OF POLICE, GOVT. OF BIHAR, PATNA
3. THE SENIOR SUPERINTENDENT OF POLICE, PATNA
4. THE SUPERINTENDENT OF POLICE, ROHTAS (SASARAM)
5. OM SINGH SON OF SRI VARUN KUMAR SINGH R/O VILLAGE-
DIHIYAN, P.O. AND P.S.- DEHRI, DISTRICT- ROHTAS, BIHAR. PIN-
821307

... .. Respondents

Appearance :

For the Petitioner/s : Mr.Madhu Prasun, Advocate

For the Respondent/s : Mr.Ruchikar Jha, AC to SC-8

CORAM: HONOURABLE MR. JUSTICE RAJEEV RANJAN PRASAD
ORAL ORDER

2 14-10-2022 Learned counsel for the petitioner shall remove all
S.R. defects within three weeks from today.

Heard Mr. Madhu Prasun, learned counsel for the
petitioner. Mr. Ruchikar Jha, learned AC to SC-8 for the State is
connected with the court, however, there are some issues as
regards the audibility.

Learned counsel for the petitioner has drawn the
attention of this Court towards the application sent to the Senior
Superintendent of Police, Patna as contained in Annexure- '4' to
the writ application.



It appears that despite the efforts taken by the petitioner to lodge an F.I.R. by sending her application under Section 154(3) of Cr.P.C. to the Senior Superintendent of Police, Patna no F.I.R. has been lodged.

Learned counsel for the petitioner accepts that after this said step, the petitioner was required to file an application under Section 154(3) Cr.P.C. before the learned Judicial Magistrate in accordance with the judgment of the Hon'ble Supreme Court in the case of **Sakiri Vasu versus the State of U.P.** reported in **(2008)2 SCC 409** and **Priyanka Srivastava versus the State of U.P.** reported in **(2015) 6 SCC 287**.

It is his submission that the petitioner may be permitted to avail her remedy under Section 156(3) Cr.P.C. and at this stage he would withdraw this writ application.

At this stage, learned counsel for the petitioner has submitted that now the time has come when this Court should consider issuing appropriate directions to fix responsibilities upon the Office of the Superintendent of Police / Senior Superintendent of Police as the case may be, who are the prescribed authorities under Section 154(3) Cr.P.C. As a matter of procedure even the Hon'ble Supreme Court has reiterated that for the purpose of lodging of F.I.R. if the police station is



not lodging the case, the informant should sent his/her application to the competent authority under Section 154(3) Cr.P.C. but over the period it has been experienced that even the office at the level of Senior Superintendent of Police and the Superintendent of Police of a district does not own the responsibility to act swiftly on such application either way lawfully.

The application remains pending and there may be a case where the application is not placed before the competent authority for an appropriate direction. This situation not only has a tendency to erode the public faith and confidence in the police administration, this is also burdening the Court with several applications seeking directions for lodging the F.I.R. etc.

Having noticed the aforesaid submissions of learned counsel for the petitioner, this Court can not keep its eyes closed. In its jurisdiction dealing with these matters, this Court too has noticed in a number of cases that the grievance of the petitioner is that his/her application sent to the Office of Senior Superintendent of Police/ Superintendent of Police in terms of the Section 154(3) Cr.P.C. is not properly attended to and sometimes it is not at all attended.

For the present, this Court directs the Director



General of Police, Bihar, Patna to look into this issue and take a decision as to how he would deal with this issue and as to why the concerned Office/Officer who fails to attend the application be not proceeded against in administrative side.

This is an opportunity for the Director General of Police, Bihar, Patna to deal with this issue at his end within a reasonable time failing which this Court shall in an appropriate case shall consider passing appropriate directions on this issue.

This writ application stands disposed of accordingly.

Let a copy of this order be sent to the Director General of Police, Bihar, Patna for taking appropriate decisions.

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'.

