

IN THE HIGH COURT OF JUDICATURE AT PATNA
Criminal Writ Jurisdiction Case No.589 of 2022

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

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Snigdha Priya, D/o Manoj Kumar, Permanent Resident of Malgodam Patel Nagar, Distt. Nawda, Bihar, At present residing at 64, Second Floor Front Side, Near Jeewan Hospital, Bhagwan Nagar, Dist.- South Delhi, New Delhi, PIN-110014

... .. Petitioner

Versus

1. The State of Bihar through the DGP, Bihar, Patna.
2. The Superintendent of Police, Nawada.
3. The Station House officer, Mahila P.S. Nawada.
4. Ritesh Kumar, Son of Rajendra Prasad, Resident of Village - Patel Nagar, Rajguru Chowk, Purani Gudri, Ward no.9, P.S.- Town, Distt.- West Champaran at Bettiah.

... .. Respondents

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Appearance :

For the Petitioner/s : Mr.Gopal Bohra, Advocate.
For the Respondent/s : Mr.Deepak Kumar, A.C. to G.P.-4.

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CORAM: HONOURABLE MR. JUSTICE RAJEEV RANJAN PRASAD
ORAL ORDER

2 17-10-2022 Learned counsel for the petitioner shall remove all the defects as pointed out by the Stamp Reporter within three weeks from today.

Learned counsel for the petitioner undertakes to serve physical copy of the writ application upon Mr. Deepak Kumar, learned A.C. to G.P.-4 in course of the day.

Let the physical copy of the petition be taken on the record.

Petitioner, in the present case, is seeking a direction to the respondent particularly respondent no. 3 to investigate on



the written complaint made by the petitioner on 02.02.2022 before the respondent no. 3.

Learned counsel for the petitioner submits that while the father of the petitioner has lodged a case being Mahila P.S. Case No. 17 of 2017 dated 12.11.2017 registered for the offences under Sections 498(A), 323, 307/34 of the Indian Penal Code read with Section 3/4 of the Dowry Prohibition Act, 1961 against the respondent no. 4 and he has been chargesheeted in the said case, the petitioner has come to know that the respondent no. 4 has married to one television actress.

Learned counsel submits that the petitioner submitted her complaint before the respondent no. 3 for investigation but the respondent no. 3 has not taken note of the same in the Station Diary of the Police Station and no reference of the same has been made to the court of learned Magistrate.

Learned counsel has drawn the attention of this Court towards Section 155 Cr.P.C. It is submitted that even in cases where the offences alleged are non-cognizable offence, it is incumbent upon the Officer-in-charge of the Police Station to enter or caused to be entered the substance of the information in a book to be kept by such officer in such form as the State Government may prescribe in this behalf and refer the informant



to the Magistrate. It is submitted that the S.H.O. of Mahila Police Station has not entered substance of the information in the book as required and no reference has been made to the Magistrate.

Learned counsel for the State submits that so far as language of Section 155 Cr.P.C. is concerned, it is crystal clear that investigation of non-cognizable cases may be taken up only after receiving an order from a competent court. In this case the informant has not approached the court of learned Magistrate for a direction to the Police official to investigate this case.

So far as entry of the information in a book to be kept by such office is concerned, at this stage, no statement may be made as to whether or not the respondent no. 3 has complied with the said requirement of the order.

Having heard learned counsel for the petitioner and learned counsel for the State, in the given facts of the present case, this Court has no hesitation in recording that even information as to commission of non-cognizable offence is required to be entered into in a book to be kept by the Officer-in-charge of a Police Station in such form as the State Government may prescribe. If the respondent no. 3 has not entered the information in the book and has not referred the



informant to the Magistrate, the same shall be done within a period of two weeks from the date of receipt/production of a copy of this order.

The aforesaid directions shall however not be construed as a direction to the Police Officer to investigate the case. It is in the domain of the learned Magistrate to whom the informant approaches in accordance with law to consider the request and pass an appropriate order.

Liberty is there to the petitioner to approach the competent court in accordance with law.

This application stands disposed of accordingly.

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'.

