

IN THE HIGH COURT OF JUDICATURE AT PATNA
Criminal Writ Jurisdiction Case No.790 of 2021

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

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Tapeshwar Prasad Rai @ Tapeshwar Rai, S/o Rajbalam Ray, R/o village-
Bishunpur, P.S.- Parsa, District- Saran, at Chapra

... .. Petitioner

Versus

1. The Union Of India through Ministry Of Defence Ordnance Department
Alipur, Kalkata.
2. The Officer Incharge Depo Alipur Ordinance Depo Remind Road Kolkata,
27, West Bengal 700027 Bihar
3. Lalbabu Rai, S/O Raj Balabh Rai, R/o village- Bishunpura, P.O.- Parsa, P.S.-
Parsa, District- Saran at Chapra- 841219

... .. Respondents

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Appearance :

For the Petitioner/s : Mr.Alok Kumar Alok, Advocate.
For the Respondent/s : Mr.K. N. Singh (A.D.S.G.)

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CORAM: HONOURABLE MR. JUSTICE RAJEEV RANJAN PRASAD
ORAL ORDER

2 22-09-2022 Learned counsel for the petitioner shall remove all

the defects as pointed out by the Stamp Reporter within four

weeks from today.

This writ application has been filed for a direction to

the authorities concerned to make proper enquiry and take legal

action against respondent no. 3 who allegedly took service in

the name of this petitioner and has submitted the Aadhar

Number of the petitioner.

It appears on perusal of the writ application in

Paragraph '2' further prayer has been made for directing the

respondents to lodge First Information Report and arrest the



persons involved in the same.

Nowhere in the writ application there is any statement that the petitioner had submitted any written complaint with the Police Station or had approached the Superintendent of Police in terms of under Section 154(3) Cr.P.C. He seems to have filed this writ application directly in this Court for lodging of the F.I.R. and consequent action.

In the case of **Sakiri Vasu Vs. State of U.P. and Others** reported in **AIR 2008 SC 907**, the Hon'ble Apex Court has held that a writ application directly filed in the High Court for lodging of the F.I.R. may not be entertained.

In the aforesaid view of the matter this application is being disposed of with liberty to the petitioner to seek his remedy towards lodging of the F.I.R. if so advised in accordance with law.

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'.

