

IN THE HIGH COURT OF JUDICATURE AT PATNA
Criminal Writ Jurisdiction Case No.721 of 2022

DR. SHAMBHU ROY Son of Late Shivan Roy Resident of Village - Naya
Tola Kerma, P.O.- Kerma, Via - Turki, P.S.- Kurhani, Distt.- Muzaffarpur

... .. Petitioner

Versus

1. The State of Bihar through the Secretary Home (Police) Department,
Government of Bihar, Patna.
2. The Senior Superintendent of Police of Muzaffarpur.
3. The District Magistrate of Muzaffarpur.
4. The District Education Officer of Muzaffarpur.
5. The Station House Office of Sakara Police Station.
6. Mr. Jay Narayan Singh I/C of Govt. Senior Secondary School, Muraul,
Muzaffarpur.

... .. Respondents

Appearance :

For the Petitioner/s : Mr.Ajit Kumar Sinha, Advocate
For the Respondent/s : Mr.Md. Irshad, AC to SC-1

CORAM: HONOURABLE MR. JUSTICE RAJEEV RANJAN PRASAD
ORAL ORDER

2 20-10-2022 The grievance of the petitioner is that on the complaint made by him and repeatedly followed for about three years the S.H.O. has only made a station diary entry no. 415/2021. Learned counsel for the petitioner submits that the S.H.O. should have registered it as First Information Report and the matter required investigation.

Mr. Md. Irshad, learned AC to SC-1 for the State submits that in case the petitioner had any grievance against non-registration of the F.I.R., he should have proceeded in accordance with law for lodgment of the F.I.R. but instead of doing that he has at this stage filed a writ application. Pointing



out to the judgment of the Hon'ble Supreme Court in the case of **Sakiri Vasu v. State of U.P. & Ors.** reported in **AIR 2008 SC 907**; it is submitted that the Hon'ble Supreme Court has categorically held that the High Court should discourage those applications which are filed directly under Article 226 of the Constitution of India for lodging of F.I.R. The procedures for lodging of the F.I.R. are also provided therein.

This Court finds substance in the submission of learned counsel for the State.

This Writ Application cannot be entertained. It is being disposed of with liberty to the petitioner to seek his remedy in appropriate jurisdiction and in accordance with law.

(Rajeev Ranjan Prasad, J)

Rajeev/-

U		T	
---	--	---	--

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'.

