

IN THE HIGH COURT OF JUDICATURE AT PATNA
Criminal Writ Jurisdiction Case No.995 of 2022

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

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1. Mrs. Jayanti Singh Wife of Dr. Mithilesh Kumar Singh R/O Moh.- Kashipur, Ward No.-7, P.S.- Town, District- Samastipur
 2. Dr. Mithilesh Kumar Singh, son of Late Chandrashekhar Singh R/O Moh.- Kashipur, Ward No.-7, P.S.- Town, District- Samastipur

... .. Petitioners

Versus

1. The State of Bihar through the Superintendent of Police, Samastipur Bihar
2. The Director General of Police, Bihar, Patna
3. The Inspector General of Police, Darbhanga Range, Darbhanga
4. The District Magistrate, Samastipur
5. The Superintendent of Police, Samastipur
6. The S.H.O., Town P.S., District- Samastipur
7. Rajan Singh Son of Late Chandrashekhar Singh R/O- Kashipur, Ward No.12, P.S.- Town, District- Samastipur

... .. Respondents

Appearance :

For the Petitioner/s : Mr.Rajeev Kumar Singh, Advocate
For the Respondent/s : Mr.Deepak Kumar, AC to GP-4

CORAM: HONOURABLE MR. JUSTICE RAJEEV RANJAN PRASAD
ORAL ORDER

3 22-09-2022 Heard Mr. Rajeev Kumar Singh, learned counsel for the petitioner. On urgent mentioning made by him this writ application has been taken up for consideration.

Prayer in this writ application is to direct the respondent authorities to register a First Information Report as also to pass an appropriate order in the matter of the dispute between the petitioner and the private respondent over opening of gate on a piece of land.

After some argument, learned counsel agrees that in



view of 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** a writ application directly filed before this Court for lodging of the F.I.R. may not be entertained. The procedure for filing of F.I.R. are well-explained in the Constitution Bench judgment of the Hon'ble Supreme Court in the case of **Lalita Kumari v. Government of Uttar Pradesh & Ors.** reported in **(2014) 2 SCC 1**. Learned counsel, therefore, seeks permission to avail his remedy as regards lodging of F.I.R. in accordance with law.

As regards the dispute over opening of gate on a piece of land, again this Court finds that it is a dispute between two private parties and such disputes cannot be gone into by this Court under Article 226 of the Constitution of India muchless in it's criminal writ jurisdiction. The petitioner, if so advised, may seek her remedy before appropriate authority/court as the case may be in accordance with law.

This application stands disposed of accordingly.

(Rajeev Ranjan Prasad, J)

Rajeev/-

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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'.

