

IN THE HIGH COURT OF JUDICATURE AT PATNA
Criminal Writ Jurisdiction Case No.1197 of 2021

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

SHYAM SUNDER DAHLAN S/o LATE CHANDI PRASAD DAHLAN R/o
MOHALLA-DAHLAN ROAD, DAHLAN CHOWK, WARD No.20, P.S
AND DISTRICT-SAHARSA.

... .. Petitioner/s

Versus

1. THE STATE OF BIHAR THROUGH THE PRINCIPAL SECRETARY,
HOME DEPARTMENT, BIHAR, PATNA
2. THE PRINCIPAL SECRETARY, HOME DEPTT., BIHAR, PATNA.
3. THE DIRECTOR GENERAL OF POLICE, BIHAR, PATNA.
4. THE DEPUTY INSPECTOR GENERAL OF POLICE, KOSHI RANGE
BIHAR
5. THE SUPERINTENDENT OF POLICE, SAHARSA. SAHARSA.
6. THE OFFICER IN CHARGE, SADAR, P.S-SAHARSA. SAHARSA.

... .. Respondent/s

Appearance :

For the Petitioner/s	:	Mr. Awadhesh Kumar, Advocate
For the Respondent/s	:	Mr. Sheo Shankar Prasad, SC 8
		Mr. Sanjay Kumar, AC to SC 8

CORAM: HONOURABLE MR. JUSTICE PARTHA SARTHY
ORAL ORDER

5 17-01-2022 Heard learned counsel for the petitioner and learned
Standing Counsel for the State through video conferencing.

The petitioner has filed the instant application for directing the respondent authorities to register the FIR against the accused persons on the basis of the written statement filed by him, a copy of which has been brought on record as Annexure-3 to the petition.

It is submitted by learned counsel for the petitioner that the case of the petitioner is covered by the judgment of the



Hon'ble Apex Court in case of Lalita Kumari vs. Govt. of Uttar Pradesh and others [(2014)2 SCC 1].

A counter affidavit has been filed on behalf of the respondent no. 5 ie the Superintendent of Police, Saharsa stating therein that the parties are on litigating terms and the petitioner had even on earlier occasion filed Saharsa (Sadar) P.S. Case no. 1035 of 2016.

It is submitted that on the petition filed on behalf of the petitioner, the Superintendent of Police, Saharsa got the matter inquired into through the Inspector of Police, Sadar P.S. Saharsa and a report dated 30.9.2021 was submitted, a copy of which has been brought on record as annexure to the counter affidavit. Referring to the said report it is submitted that the allegations made by the petitioner were not found true. Thus the FIR was not lodged on the petition of the petitioner as contained in Annexure-3. There being no merit in the application, the instant application be dismissed.

Having heard learned counsel for the parties and taking into consideration the materials on record I find that the case of the petitioner is fully covered by the judgment in the case of Lalita Kumari (supra) relied on by the petitioner. The Hon'ble Apex Court has clearly held in paragraph no. 120 of the



said judgment that the registration of the FIR is mandatory under Section 154 of the Code if the information discloses commission of cognizable offence and no preliminary inquiry is permissible in such a situation. The action of the State as narrated in the counter affidavit being in teeth of the judgment cannot be sustained.

The application is allowed with a direction to the respondents specially the respondent nos. 5 and 6 to register an FIR in the case within a period of four weeks from today.

(Partha Sarthy, J)

Spd/-

U			
---	--	--	--

