

IN THE HIGH COURT OF JUDICATURE AT PATNA
Criminal Writ Jurisdiction Case No.122 of 2022

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

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Raj Kishore Mishra @ Raj Kapoor Son of Late Dhani Das, Resident Mohalla-
Asha Nagar, P.O. & P.S.- Sohsarai, District- Nalanda

... .. Petitioner/s

Versus

1. The State Of Bihar through The Principal Secretary, Dept. Of Home, Bihar,
Patna, Bihar
2. The Director General Of Police, Bihar, Patna
3. The District Magistrate, Nalanda At Biharsharif, Bihar
4. The Superintendent Of Police, Nalanda At Biharsharif, Bihar
5. The Station House Officer, Sohsarai Police Station, Biharsharif, District-
Nalanda Bihar
6. The Municipal Commissioner, Biharsharif Municipal Corporation, Nalanda
Bihar
7. The Deputy Municipal Commissioner, Biharsharif Municipal Corporation,
Nalanda Bihar
8. Sunil Kumar Son Of Vinod Prasad Tanti, Resident Of Mohalla- Asha Nagar,
P.O. & P.S.- Sohsarai, District- Nalanda

... .. Respondents

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Appearance :

For the Petitioner/s	:	Mr. Dineshwar Prasad Singh, Advocate
For the State	:	Mr. Saroj Kumar Sharma, AC to AAG-3
For the Corporation	:	Mr. Gyan Prakash Ojha, Advocate

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CORAM: HONOURABLE MR. JUSTICE DR. ANSHUMAN
ORAL JUDGMENT

Date : 17-03-2023

Heard learned counsel for the petitioner, learned counsel

for the State and learned counsel for the Bihar Municipal

Corporation.

Counsel for the petitioner has filed the present writ petition directing to the respondent nos. 4 and 5 to institute the F.I.R. against respondent no.8 and also for quashing the notice vide letter No. 1995 dated 01.07.2021 as contained in Annexure-3.

Counsel for State and counsel for Municipal Corporation submit that in criminal writ any letter cannot be quashed, for quashing of the letter (Annexure-3) the petitioner out to exhaust separate form and separate remedy.

Counsel for the State submits that for the purpose of lodging the F.I.R. there is already provision laid down under Section 156(3) of Cr.P.C. as well as by virtue of order passed in case of *Surendra Singh vs. State of Bihar and others* in *Cr.WJC No. 153 of 2017* with analogous cases, the Court has observed that a representation may be filed before the Superintendent of Police and the Superintendent of Police was directed to take appropriate action in the said matter upon receiving the representation.

In this view of the matter, petitioner is directed to either file representation in the light of *Surendra Singh vs. State of Bihar and others* passed in *Cr.WJC No. 153 of 2017* with analogous cases or to exhaust remedy under Section 156(3) of

Cr.P.C.

Accordingly, the present criminal writ jurisdiction application is disposed off.

(Dr. Anshuman, J.)

ravishankar/-

AFR/NAFR	
CAV DATE	
Uploading Date	
Transmission Date	