

IN THE HIGH COURT OF JUDICATURE AT PATNA
Criminal Writ Jurisdiction Case No.491 of 2023
Arising Out of PS. Case No.- Year-0 Thana- District- Patna

Md. Sahabuddin, Son of Late Md. Moinuddin, Resident of Mohalla- Ramji Chak
(Ward No 31), P.O.- Bataganj, P.S.- Digha, District- Patna

... .. Petitioner

Versus

1. The State of Bihar through the Home Secretary, Old Secretariat, Govt. of Bihar Patna
2. The Director General of Police, Old Secretariat, Govt. of Bihar, Patna
3. The Inspector General of Police, Magadh Range, Govt. of Bihar, Patna
4. The Deputy Inspector General of Police, Magadh Range, Govt. of Bihar, Patna
5. The Superintendent of Police, Patna (Urban).
6. The Deputy Superintendent of Police, Patna (Urban).
7. The Inspector of Police, Jurisdiction to Digha P.S. Patna
8. The Station Head Officer (Officer in Charge), P.S Digha, Patna.
9. Md. Chand, Son of Late Md. Jamil, Resident of Moh- Kothi, Mazid Gali, P.O. & P.S.- Digha, District- Patna- 18.
10. Md. Matim, Son of Late Md. Jamil, Resident of Moh- Kothi, Mazid Gali, P.O. & P.S.- Digha, District- Patna- 18.
11. Md. Islam, Son of Late Md. Jamil, Resident of Moh- Kothi, Mazid Gali, P.O. & P.S.- Digha, District- Patna- 18.
12. Md. Riyaz, Son of Late Md. Jamil, Resident of Moh- Kothi, Mazid Gali, P.O. & P.S.- Digha, District- Patna- 18.

... .. Respondents

Appearance :

For the Petitioner	:	Mr. Shiv Shankar Prasad Yadav, Advocate
For the State	:	Mr. Suman Kumar Jha, AC to AAG-3

CORAM: HONOURABLE MR. JUSTICE RAJEEV RANJAN PRASAD
ORAL ORDER

2 14-12-2023 Heard learned counsel for the petitioner and learned AC

to AAG-3 for the State.

2. The petitioner in the present case is seeking a direction to the respondents to institute a first information report against the private respondents who have allegedly demolished the boundary wall of the petitioner.

3. It appears that the petitioner has directly moved this

Court under Article 226 of the Constitution of India for lodging of the FIR. There is no statement in the writ application that he had approached the learned Jurisdictional Magistrate under Section 156(3) Cr.P.C. for this purpose or had followed the procedures which are discussed by the Hon’ble Supreme Court in the case of **Lalita Kumari Vs. Government of Uttar Pradesh and Others** reported in **(2014) 2 SCC 1** and **Priyanka Srivastava and Another v. State of Uttar Pradesh and Others** reported in **(2015) 6 SCC 287** etc.

4. In the case of **Sakiri Vasu versus the State of U.P. and Others** reported in **(2008) 2 SCC 409**, the Hon’ble Supreme Court has specifically observed that the High Court should discourage filing of direct application under Article 226 for lodging of the FIR.

5. In the aforesaid view of the matter, this Court would refrain from entertaining a writ application directly filed for lodging of the FIR. Remedy is available to the petitioner and if so advised, he may apply for appropriate remedy before the competent court.

6. This writ application stands disposed of accordingly.

(Rajeev Ranjan Prasad, J)

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