

IN THE HIGH COURT OF JUDICATURE AT PATNA
Criminal Writ Jurisdiction Case No.800 of 2021

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

SIDHESHWAR RAVIDAS @ SIDHESHWAR PRASAD S/o- Sobhan Ravidas @ Sobhan Prasad R/o Village- Kistipur (Chistipur), P.S.- Dhanarua, District- Patna.

... .. Petitioner/s

Versus

1. The State of Bihar through Chief Secretary, Govt. of Bihar, Patna. Bihar, Patna.
2. The Director General of Police, Bihar, Patna. Bihar, Patna.
3. The Collector Cum District Magistrate, Patna. Patna
4. The Senior Superintendent of Police, District- Patna, Bihar. Bihar, Patna.
5. The Sub- Divisional Officer (S.D.O.) Masaurhi, District- Patna, Bihar. Bihar, Patna.
6. The Sub-Divisional Police Officer, (S.D.P.O.), Masaurhi, District- Patna. Patna.
7. The Circle Officer, Dhanarua Block, District- Patna. Patna.
8. The Officer-In-Charge of Dhanarua P.S., District- Patna. Patna.

... .. Respondent/s

Appearance :

For the Petitioner/s : Mr. Rajiva Ranjan, Advocate.
For the Respondent/s : Mr. Sheo Shankar Prasad, SC-8

CORAM: HONOURABLE MR. JUSTICE ANIL KUMAR SINHA
ORAL ORDER

7 18-09-2023 Heard learned counsel for the parties concerned.

2. The present writ application has been filed for issuance of a writ directing the Police authority to take appropriate action for lodging an FIR in pursuance to letters written by SDO and others regarding forcible cutting of crop from the petitioner's land.

3. Learned counsel for the petitioner submits that the petitioner has left his village due to threat at the hands of anti



social elements who have captured the land of the petitioner and have also forcibly harvested the crops from his land. A complaint was filed by the petitioner which is at Annexure-1 before the Sub Divisional Officer, Masaurhi, Patna, and the Sub Divisional Officer, Masaurhi, Patna, by Annexure-2, has directed the Police Authority to inquire into the matter and take appropriate action.

4. Learned counsel for the State referring to the counter affidavit submits that from the writ petition it does not appear that the petitioner has ever approached or submitted his written complaint before the Police Authority rather he has filed a petition before the Sub Divisional Officer. He further submits that the Police also tried to contact the petitioner but the petitioner could not be met and his phone number was also found switched off. The petitioner has not filed a written complaint before the concerned SHO or the Superintendent of Police, Patna, for lodging an FIR. However, non-FIR bearing No. 120 of 2023 dated 31st July, 2023 has been instituted on the basis of documents available with the Police. He next submits that if a written complaint is filed by the petitioner before the SHO Dhanarua disclosing cognizable offence the Police would register the FIR.



5. Having heard learned counsel for the parties and taking into consideration the nature of dispute, I dispose this writ application with liberty to the petitioner to approach Dhanarua Police Station within a period of two weeks along with his written complaint and if such a complaint is submitted by the petitioner disclosing cognizable offence, the concerned Police Station shall be obliged to register an FIR.

6. With aforesaid observation and direction, this writ application stands disposed of.

(Anil Kumar Sinha, J)

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