

IN THE HIGH COURT OF JUDICATURE AT PATNA
Criminal Writ Jurisdiction Case No.194 of 2021

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

Syed Md. Kazim Shabib @ Syed Md. Kazim, Son of Late Dr. Syed Murtuza Kazim, Resident of Mohalla- Nawab Road, Chandwara, Police Station- Sadar, District- Muzaffarpur.

... .. Petitioner/s

Versus

1. The State Of Bihar Through The Director General Of Police, Bihar, Patna Bihar
2. The D.I.G., Muzaffarpur. Bihar
3. The I.G., Muzaffarpur. Bihar
4. The Senior Superintendent of Police, Muzaffarpur. Bihar
5. The S.H.O., Adarsh Nagar Police Station, Muzaffarpur. Bihar
6. The Bihar State Shia Waqf Board through its Chief Executive Officer Patna

... .. Respondent/s

Appearance :

For the Petitioner/s	:	Mr.Md. Shamimul Hoda, Advocate
For the State	:	Mr. Anil Kumar, AC to SC-8
For the Respondent no.6	:	Mr. Md. Anjum Akhter, Advocate

CORAM: HONOURABLE MR. JUSTICE RAJEEV RANJAN PRASAD
ORAL ORDER

7 05-10-2023 Heard learned counsel for the petitioner, learned counsel for the State and learned counsel for Shia Waqf Board.

2. By filing this writ application, the petitioner is seeking a direction to the respondents to register a First Information Report in respect of the occurrence which took place on 21.07.2017.

3. Learned counsel for the petitioner submits that the petitioner has submitted representations dated



21.01.2019/06.12.2019 and again sent a reminder representation dated 18.10.2019 for lodging of the F.I.R., but no F.I.R. has been lodged.

4. Learned counsel for the State as well as the Shia Waqf Board submit that in view of the judgments of the Hon'ble Apex Court in the case of **Lalita Kumari versus Govt. of U.P.** reported in (2004) 2 SCC 1 and **Sakiri Vasu versus State of U.P. and Others** reported in (2008) 2 SCC 409, the petitioner should have exhausted his remedy by filing an appropriate application under Section 156(3) Cr.P.C. in the court of learned Chief Judicial Magistrate, Muzaffarpur but instead of doing that he has chosen to file this writ application four years after the alleged occurrence.

5. Having heard leaned counsel for the petitioner, the State and the Shia Waqf Board as also keeping in view the judgments of the Hon'ble Apex Court in the case of **Lalita Kumari** (supra) and **Sakiri Vasu** (supra), this Court is of the considered view that this writ application directly filed before this Court for lodging of the F.I.R. after about four years of the alleged occurrence cannot be entertained. The petitioner, if so advised, may seek his remedy before



the appropriate court in appropriate jurisdiction.

6. This writ application stands disposed of accordingly.

(Rajeev Ranjan Prasad, J)

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