

IN THE HIGH COURT OF JUDICATURE AT PATNA
Criminal Writ Jurisdiction Case No.76 of 2023

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

Binod Kumar, Son of Late Lakshman Pandit, R/O Mohalla- Bisoni Power House, P.S.- Sultanganj, District- Bhagalpur Petitioner
Versus

1. The State of Bihar through the Director General of Police, Govt. of Bihar, Patna.
2. The Secretary, Home Department, Govt. of Bihar, Patna.
3. The Deputy Inspector General of Police, District- Bhagalpur, East Zone Bhagalpur.
4. The Senior Superintendent of Police, Bhagalpur.
5. The Deputy Superintendent of Police, Bhagalpur.
6. The Officer-In-Charge, Police Station- Sultanganj, District- Bhagalpur.

... .. Respondent/s

Appearance :

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

CORAM: HONOURABLE MR. JUSTICE RAJEEV RANJAN PRASAD
ORAL ORDER

2 07-10-2023 No one appears for the petitioner.

2. Mr. Sheo Shankar Prasad, learned SC-8 for the State is present.

3. The Office has raised certain defects.

4. Learned SC-8 for the State points out that the present writ application is in the nature of a completely frivolous application inasmuch as it would appear that the petitioner has moved this Court for a direction to the respondents to lodge a criminal case against some persons on the allegation that they had illegally locked the rented shop of the petitioner on 24.12.2019/28.12.2019.



5. It is submitted that from the statements made in the writ application itself, it would appear that the petitioner did not follow the procedures established by law and judicial pronouncements in the matter of lodging of FIR. It is further submitted that in view of the judgment of the Hon'ble Supreme Court in the case of **Sakiri Vasu versus State of Uttar Pradesh and Others** reported in **(2008) 2 SCC 409**, this has been the consistent view of this Court that a writ application filed directly for a direction to lodge FIR is required to be discouraged, hence, he would submit that the writ application as framed cannot be proceeded.

6. This Court has perused the writ application and finds substance in the submissions of learned SC-8 for the State. The whole story as disclosed in the writ application centres around a tenancy dispute which arose out of an unregistered deed of agreement dated 21.01.2018. This Court agrees that this is in the nature of frivolous writ application and entertaining such application is only a wastage of the time of the Court.

7. This writ application is, thus, dismissed.

(Rajeev Ranjan Prasad, J)

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