

IN THE HIGH COURT OF JUDICATURE AT PATNA
Criminal Writ Jurisdiction Case No.21 of 2023

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

Rabindra Prakash Son Of Late Tribhuwan Singh R/O Goreakothi, Ward No. 05, Near Ladhi Goreakothi Road, Makan Number- 08, P.S.- Goreakothi, And District- Siwan, Pin- 841434

... .. Petitioner

Versus

1. The State Of Bihar Through The Principal Secretary, Home Department, Govt. Of Bihar, Patna
2. The D.I.G. Saran Range, District- Siwan
3. The Superintendent Of Police, Siwan
4. The S.H.O. Goreakothi Police Station, District- Siwan
5. Sanjeev Kumar Roy Son Of Not Given Trainee Sub-Inspector Goreakothi Police Station, District- Siwan

... .. Respondents

Appearance :

For the Petitioner/s : Mr. Mukesh Kant, Advocate
For the Respondent/s : Mr. Md. Irshad, AC to SC-1

CORAM: HONOURABLE MR. JUSTICE RAJEEV RANJAN PRASAD
ORAL ORDER

2 07-10-2023 Heard learned counsel for the petitioner and learned counsel for the State.

2. Petitioner is dissatisfied with the kind of action taken by the concerned police station in the matter of complaint lodged by the petitioner against a trainee Sub-Inspector.

3. Learned counsel for the petitioner submits that in the nature of the complaint, the police should have first lodged the First Information Report and then the matter should have been investigated. It is stated that in this regard he has also submitted a copy of the complaint to the concerned



Superintendent of Police but the police authorities seem more interested in hushing up the matter. It is submitted that in the circumstances, this Court should direct lodging of the FIR.

4. Learned counsel for the State however opposes this writ application. It is submitted that in case the petitioner was looking for lodging of the First Information Report, he should have exhausted his remedies which were available to him in accordance with law and the judicial pronouncements. In this case, it seems that the petitioner has not exhausted the procedures in this regard and no application under Section 156(3) Cr.P.C. was filed before the learned Chief Judicial Magistrate.

5. Having heard learned counsel for the petitioner and the learned counsel for the State, this Court finds force in the submission of the learned counsel for the State. From the narration of facts present in the writ application it does not appear that the petitioner has exhausted the procedures which were required to be followed if at all he was willing to lodge the First Information Report. In view of the judgment of the Hon'ble Supreme Court in the case of **Sakiri Vasu Vs. State of U.P. & Ors.** reported in **(2008) 2 SCC 409**, this Court is not entertaining an application directly filed under Article 226 of the



Constitution of India for lodging of the FIR. This Court would therefore refrain from exercising its extra ordinary writ jurisdiction in the present case also.

6. This writ application is being disposed of with liberty to the petitioner to seek his remedy before an appropriate court in appropriate jurisdiction in accordance with law.

(Rajeev Ranjan Prasad, J)

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