

IN THE HIGH COURT OF JUDICATURE AT PATNA
Criminal Writ Jurisdiction Case No.1854 of 2023

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

Archana Kumari Wife of Sunil Kumar @ Sunil Kumar Poddar R/o Mohalla -
Sabji Bazar near Sethani Dharmsala, ward no. 32, P.S. - Town, Distt. -
Begusarai

... .. Petitioner/s

Versus

1. The State of Bihar through the Additional Chief Secretary, Home Dep., Gov.
of Bihar, Patna Bihar
2. The Director General of Police, Bihar, Patna Bihar
3. The Deputy Inspector General of Police, Begusarai Bihar
4. The Superintendent of Police, Begusarai Bihar
5. The S.H.O. Police Station Muffasil, Begusarai Bihar

... .. Respondent/s

Appearance :

For the Petitioner/s	:	Mr. Maya Shankar Mishra, Advocate
For the Respondent/s	:	Mr. Sheo Shankar Prasad, SC-8
		Mr. Ruchikar Ojha, AC to SC-8

CORAM: HONOURABLE MR. JUSTICE BIBEK CHAUDHURI
ORAL ORDER

2 19-04-2024 Heard learned counsel for the petitioner and learned
Additional Public Prosecutor for the State.

2. The grievance of the petitioner is that the police
attached to Muffasil Begusarai police station without any reason
illegally lifted the petitioner and her husband on 22.04.2023 at
about 11:30 p.m. at night and brought him to the local police
station, found them in police lockup near about 20 hours and the
petitioner was assaulted by the police attached to the said police
station and thereby committed offence under Sections 341, 342,
323, 504/34 of the I.P.C.

3. It is the grievance of the petitioner that the



petitioner lodged complaint before the Higher Officers of the Police Authority but the police did not take any steps against the erring police officers.

4. The petitioner did not filed any complaint before the S.H.O. of the concerned police station. She also did not filed any complaint under Section 190 of the Cr.P.C. before the jurisdictional Magistrate with a prayer to treat the same as a complaint case and issue process against the accused persons when efficacious relief is available under the Code of Civil Procedure, the petitioner cannot seek for extra-ordinary jurisdiction under Article 226 of the Constitution of India.

5. Therefore, I do no find any merit in the instant writ petition and accordingly, the instant writ petition is dismissed on contest.

6. However, the petitioner is at liberty to file a complaint case in the Court of the Jurisdictional Magistrate, subject to the law of limitation. However, while assessing the period of limitation the learned Magistrate is at liberty to consider that the petitioner diligently was proceeding with the instant writ petition out of inadvertence seeking for appropriate relief.

(Bibek Chaudhuri, J)

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