**Court No. - 10**
**Case :-** CRIMINAL MISC. WRIT PETITION No. - 8898 of 2024
**Petitioner :-** Seema Verma
**Respondent :-** State Of U.P. Thru. Prin. Secy. Home U.P. Lko. And Others
**Counsel for Petitioner :-** Verender Kumar Tiwari,Priyesh Mishra
**Counsel for Respondent :-** G.A.

**Hon'ble Vivek Chaudhary,J.**
**Hon'ble Om Prakash Shukla,J.**

1. Heard Shri Priyesh Mishra, learned counsel for the petitioner, learned A.G.A. for the State and perused the material placed on record.

2. Learned counsel for the petitioner has submitted that the petitioner had attempted to lodge the First Information Report, but no heed was paid and the F.I.R. was not lodged. The petitioner also moved an application to the S.H.O., Police Station Kohduar, District Pratapgarh on 29.10.2024 but till date FIR has not been lodged.

3. Hon'ble the Supreme Court in the case of ***Lalita Kumari Vs. Government of Uttar Pradesh and others*** reported in ***(2014) 2 SCC 1***, has observed that a Police Officer cannot avoid his duty for registering an offence if in the application cognizable offence discloses and in case they avoid such responsibility, an action to be taken against the erring Officer under Section 161-A of Cr.P.C. or Departmental Proceedings be initiated and such proceedings can be taken against erring Officer in not registering the FIR.

4. Learned A.G.A. has also pointed out the judgment rendered by the Division Bench of this Court in the case of ***Waseem Haider Vs. State of U.P. and others*** reported in ***(2021) 2 ADJ 86***, to say that after considering the law laid down by the Hon'ble Supreme Court in ***Lalita Kumari (supra)***, whereby this Court expressed its opinion that the informant has statutory remedy under Section

156(3) Cr.P.C. or under Section 200 of Cr.P.C. Paragraph-45 of the said judgment is being quoted hereinbelow:-

> *"45. Before parting, the conclusion arrived at based on the above discussion and analysis is delineated below for ready reference and convenience :-*
>
> *(1) Writ of mandamus to compel the police to perform its statutory duty under Section 154 Cr.P.C can be denied to the informant/victim for non-availing of alternative remedy under Sections 154(3), 156(3), 190 and 200 Cr.P.C., unless the four exceptions enumerated in decision of Apex Court in the the case of Whirlpool Corporation Vs. Registrar of Trade Marks, Mumbai and Ors., (1998) 8 SCC 1, come to rescue of the informant / victim.*
>
> *(2) The verdict of Apex Court in the case of Lalita Kumari Vs. Government of U.P. & Ors. reported in (2014) 2 SCC 1 does not pertain to issue of entitlement to writ of mandamus for compelling the police to perform statutory duty under Section 154 Cr.P.C without availing alternative remedy under Section 154(3), 156(3), 190 and 200 Cr.P.C.*
>
> *(3) The informant/victim after furnishing first information regarding cognizable offence does not become functus officio for seeking writ of mandamus for compelling the police authorities to perform their statutory duty under Section 154 Cr.P.C in case the FIR is not lodged.*
>
> *(4) The proposed accused against whom the first information of commission of cognizable offence is made, is not a necessary party to be impleaded in a petition under Article 226 of the Constitution of India seeking issuance of writ of mandamus to compel the police to perform their statutory duty under Section 154 Cr.P.C."*

5. This Court is of the opinion that if the petitioner is aggrieved by non-lodging of the FIR, he has appropriate remedy of filing a complaint under Section 156(3) Cr.P.C. or under Section 200 of the Cr.P.C.

6. This writ petition stands ***disposed of***.

(**Om Prakash Shukla,J.**) (**Vivek Chaudhary,J.**)

**Order Date :-** 23.11.2024
Ajit

Digitally signed by :-
AJIT KUMAR
High Court of Judicature at Allahabad,
Lucknow Bench