

IN THE HIGH COURT OF JUDICATURE AT PATNA
Criminal Writ Jurisdiction Case No.164 of 2025

Arising Out of PS. Case No.-248 Year-2017 Thana- BIKRAMGANJ District- Rohtas

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Bimlesh Upadhayay @ Bimlesh Kumar Upadhayay Son of Janardhan Upadhayay Resident of Village - Gorari, P.O. - Gorari, P.S. - Karakat, District - Rohtas

... .. Petitioner/s

Versus

1. The State of Bihar through Director General of Police, Govt. of Bihar, Patna Bihar
2. The Deputy Director General of Police, Shahabad, Dehri-on-Sone Bihar
3. The Superintendent of Police, Vikaramganj, District - Rohtas at Sasaram Bihar
4. The Deputy Superintendent of Police, Vikaramganj, District - Rohtas at Sasaram Bihar
5. Inspector of Police-Cum-S.H.O. Vikaramganj, District - Rohtas Bihar
6. The S.H.O. Kachhawan Police Station, District - Rohtas Bihar

... .. Respondent/s

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Appearance :

For the Petitioner/s : Mr.Brij Nandad Prasad
For the Respondent/s : Mr.G.A.5

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CORAM: HONOURABLE MR. JUSTICE SANDEEP KUMAR
ORAL ORDER

2 24-07-2025 Heard the parties.

2. This application has been filed on behalf of the petitioner seeking a direction upon the respondent authorities for the following relief:-

*I. For proper investigation of
Vikramganj P.S. Case No. 248 of 2017.*

*II. For registration of FIR in Kacchawan
Police Station on the application of the petitioner
dated 23.06.2017.*

3. So far as prayer no. 1 of the petitioner is



concerned, this application is disposed of with regard to the same with a liberty to the petitioner to approach the concerned Court below for redressal of his grievances by way of filing a petition in his case in light of the Judgment of the Hon'ble Supreme Court in the case of ***Sakiri Vasu vs. State of U.P., reported as (2008) 2 SCC 409***. If such a petition is filed then the same shall be considered by the Court below in accordance with law and appropriate orders shall be passed.

4. So far as prayer no. 2 of the petitioner is concerned, the Hon'ble Supreme Court in the case of ***Sakiri Vasu vs. State of U.P., reported as (2008) 2 SCC 409*** has discouraged the practice of approaching the High Court with a prayer for registration of an F.I.R. The relevant paragraphs of the aforesaid decision read as under:-

“27. As we have already observed above, the Magistrate has very wide powers to direct registration of an FIR and to ensure a proper investigation, and for this purpose he can monitor the investigation to ensure that the investigation is done properly (though he cannot investigate himself). The High Court should discourage the practice of filing a writ petition or petition under Section 482 Criminal Procedure Code simply because a person has a grievance that his FIR has not been registered by the police, or after being



registered, proper investigation has not been done by the police. For this grievance, the remedy lies under Sections 36 and 154(3) before the concerned police officers, and if that is of no avail, under Section 156(3) Criminal Procedure Code before the Magistrate or by filing a criminal complaint under Section 200 Criminal Procedure Code and not by filing a writ petition or a petition under Section 482 Criminal Procedure Code.

28. It is true that alternative remedy is not an absolute bar to a writ petition, but it is equally well settled that if there is an alternative remedy the High Court should not ordinarily interfere” (Emphasis supplied)

5. The aforesaid ratio was reiterated by the Hon’ble Supreme Court in the case of ***Sudhir Bhaskarrao Tambe vs. Hemant Yashwant Dhange reported as (2016) 6 SCC 277*** and in the case of ***M. Subramaniam vs. S. Janaki reported as (2020) 16 SCC 728.***

6. If the F.I.R is not registered on account of inaction on the part of the police officials or the actions not to the satisfaction of the petitioner, then the efficacious alternative remedy is available to the petitioner under sections 190, 200 of the Cr.P.C (sections 210, 223 of the Bharatiya Nagarik Suraksha Sanhita, 2023) or other statutory provisions under law.



7. Therefore, the petitioner is given liberty to avail alternative remedies as provided under the Cr.P.C./Bharatiya Nagarik Suraksha Sanhita (BNSS), 2023 for registration of the F.I.R.

8. Accordingly, this application is disposed of with the aforesaid liberty to the petitioner.

(Sandeep Kumar, J)

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