

IN THE HIGH COURT OF JUDICATURE AT PATNA

Criminal Writ Jurisdiction Case No.271 of 2023

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

Brajesh Kumar Trivedi @ Brijesh Kumar Trivedi S/o Late Bimlesh Kumar Trivedi R/o Village- Badi Khagaul, P.S.- Khagaul, Distt- Patna.

... .. Petitioner/s

Versus

1. The State of Bihar through the Director General of Police, Bihar, Patna. Bihar
2. The Zonal I.G., Patna Zone, Patna. Bihar
3. The Senior Superintendent of Police, Patna. Bihar
4. The Station House Officer, Rupaspur P.S., Danapur, Patna. Bihar
5. The Circle Officer, Danapur, Distt- Patna. Bihar
6. Sri S.R. Nag Son of - Not known R/o Road no. 15, Aparna Bank Colony, Near Ram Nagina Enclave, P.S.- Rupaspur, Distt- Patna.

... .. Respondent/s

Appearance :

For the Petitioner/s : Mr. Sanjay Kumar, Advocate

For the Respondent/s : Mr. Suman Kumar Jha, AC to AAG-3

CORAM: HONOURABLE MR. JUSTICE BIBEK CHAUDHURI

ORAL ORDER

3 24-03-2025 The learned counsels for the petitioner as well as the State-Respondent are present.

2. I have heard the learned counsels at length.

3. The petitioner has approached this Court under Article 226 of the Constitution of India alleging police inaction by not registering F.I.R. against the private respondent No.6, who illegally dispossessed the petitioner from his land butted and bounded by a boundary wall by breaking open the padlock and took illegal possession of the said land.

4. The learned Advocate for the petitioner refers to Annexure-4 of the writ petition at Page-22, which is the written



complaint submitted by the petitioner before the S.H.O. of Rupaspur, Danapur Police Station, Patna on 20.11.2022. A copy of the said complaint was also sent to the Senior Superintendent of Police, Patna for necessary action but police did not take any action by registering F.I.R. against the private respondents so is the instant writ petition.

5. The allegation of the petitioner against the private respondents is that of illegal dispossession, efficacious relief of the petitioner lies in getting back the possession of his property, a criminal court cannot decide the question of possession and also does not pass any order/decreed for delivery of possession in favour of the petitioner.

6. In view of such circumstances, this Court holds that no substantial material has come forth before this Court where the police authority can be directed to initiate a criminal case by registering F.I.R..

7. For the reasons stated above, I do not find any merit in the instant writ petition and accordingly, the instant writ petition is dismissed on contest, there shall however no order as to cost.

(Bibek Chaudhuri, J)

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