

IN THE HIGH COURT OF JUDICATURE AT PATNA
Criminal Writ Jurisdiction Case No.362 of 2023

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

1. SADA NAND GOSWAMI @ RAVI GOSWAMI Son of Late Radha Raman Goswami R/o Sri Chaitnya Mahaprabhu Temple Campus Mohalla- Gaighat, Dakshini Lane, P.O- Gulzarbagh, P.s- Alamganj, Dist- Patna Pin Code- 800007
2. Rashmi Goswami Wife of Sada Nand Goswami R/o Sri Chaitnya Mahaprabhu Temple Campus Mohalla- Gaighat, Dakshini Lane, P.O- Gulzarbagh, P.s- Alamganj, Dist- Patna Pin Code- 800007
3. Vishwesh Ranjan Gaur Son of Late Rameshwar Dayal R/o Sri Chaitnya Mahaprabhu Temple Campus Mohalla- Gaighat, Dakshini Lane, P.O- Gulzarbagh, P.s- Alamganj, Dist- Patna Pin Code- 800007
4. Mithlesh Goswami Wife of Kishori Raman Goswami R/o Sri Chaitnya Mahaprabhu Temple Campus Mohalla- Gaighat, Dakshini Lane, P.O- Gulzarbagh, P.s- Alamganj, Dist- Patna Pin Code- 800007
5. Sangeeta Gaur Wife of Rakesh Ranjan Gaur R/o Sri Chaitnya Mahaprabhu Temple Campus Mohalla- Gaighat, Dakshini Lane, P.O- Gulzarbagh, P.s- Alamganj, Dist- Patna Pin Code- 800007

... .. Petitioner/s

Versus

1. The State of Bihar through The chief Secretary, Bihar, Patna Bihar
2. The Home Secretary, Bihar, Patna Bihar
3. The Deputy General of Police, Bihar, Patna Bihar
4. The Inspector General of Police, Patna Range Patna (Bihar) Bihar
5. The District Magistrate, Patna Bihar
6. The Sub Divisional Officer, Patna city, Patna Bihar
7. The Senior Superintendent of Police, Patna Bihar
8. The Assistant Superintendent of Police, Patna City, Patna Bihar
9. The S.H.O., Alamganj Police Station, Patna Bihar
10. The Munsif Alamganj Police Station, Patna Bihar
11. Bipin Kumar Singh, the so called Sub Inspector of Police, Patliputra PS Patna as alleged by himself Patliputra Police Station, Patna, as alleged by himself and not known to the Petitioners
12. Dharmendra Kumar, alleged Inspector of Anti Liquor Task Force, Chhapra, Bihar Police Anti Liquor Task Force Chhapra, Bihar, Police, but not known to the Petitioners
13. Bidhan Chand Lal, Retd. Dy. S.P. Bihar, Police R/o Mohalla- Bajrangpuri, P.s- Alamganj, Patna 7
14. Gaur Kumar Goswami Son of Late Krishna Chaitanya Goswami R/o Gaighat, Chaitanya Mandir, P.O- Gulzarbagh, P.S- Alamganj, Dist- Patna, Pin- 800007



15. Gaurav Goswami Son of Gaur Kumar Goswami R/o Gaighat, Chaitanya Mandir, P.O- Gulzarbagh, P.S- Alamganj, Dist- Patna, Pin- 800007
16. Kriti Goswami Wife of Uma Shankar Pathak R/o Sri Chaitanya Mahaprabhu Temple Campus Mohalla- Gaighat, P.O- Gulzarbagh, P.S- Alamganj, Dist- Patna Pin- 800007
17. Uma Shankar Pathak Son of Late Dev Sharan Pathak R/o Sri Chaitanya Mahaprabhu Temple Campus Mohalla- Gaighat, P.O- Gulzarbagh, P.S- Alamganj, Dist- Patna Pin- 800007

... .. Respondent/s

Appearance :

For the Petitioner/s : Mr.Manish Kishore
For the Respondent/s : Mr.M. Nasrul Huda Khan

CORAM: HONOURABLE MR. JUSTICE SANDEEP KUMAR
ORAL ORDER

2 07-07-2025 Heard the parties.

2. This application has been filed on behalf of the
petitioners for the following reliefs:-

(i) A writ of Mandamus directing the Respondent No. 3 to take suitable action against the erring police officers, the Respondent No. 9, S.H.O., Alamganj Police Station, Patna City as well as Respondents 2nd set who having gloves in hands with the Respondents 3rd set, illegally trespassed into the Campus of "Sri Chitanya Mahaprabhu Temple", Gaighat, Patna City, several times even in night and committed various criminal acts by misusing their power and position of police officers, after holding proper inquiry in the matter so that they may be prosecuted and punished in accordance with law.

(ii) The S.H.O., Alamganj P.S. be directed to register F.I.R. on the basis of written



application/petition/complaint sent by the Petitioners concerning various cognizable offences committed by the Respondents 2nd & 3rd set along with their criminal associates.

(iii) The Respondents 1st set be directed to safeguard the sanctity of ancient "Shri Chaitanya Mahaprabhu Temple", Gaighat and to protect its property which is a Private Religious Family Trust of the Petitioners from being taken over or grabbed by land Mafia and the Police Officers Respondents 2nd set and the Respondent No.9.

3. So far as the prayer nos. 1 and 3 are concerned, the petitioners are given liberty to move the Senior Superintendent of Police, Patna by way of filing a representation. If the petitioners file a representation before the Senior Superintendent of Police, Patna with regard to the prayer no. 1 and 3 made in this writ application then the same shall be considered by the Senior Superintendent of Police, Patna in accordance with law.

4. So far as prayer no. 2 of the petitioners 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 petitioners, then the efficacious alternative remedy is available to the petitioners 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 petitioners are 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. With the aforesaid directions, this application is disposed of.

(Sandeep Kumar, J)

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