

IN THE HIGH COURT OF JUDICATURE AT PATNA
Criminal Writ Jurisdiction Case No.323 of 2023

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

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MANISH KUMAR Son of Kamla Kant Singh Resident of village - Paharma,
P.O.- Osaw, P.S.- Nasriganj, District - Rohtas.

... .. Petitioner/s

Versus

1. The State of Bihar through the Principal Secretary, Ministry of Home, Govt. of Bihar, Patna. Bihar
2. The Director General of Police, Bihar, Patna. Bihar
3. The Superintendent of Police, Rohtas, Sasaram. Bihar
4. The Officer Incharge, Dehri-On-Sone Police Station, District - Rohtas. Bihar
5. The Vice Chancellor, Veer Kunwar Singh University, Ara. Bihar
6. The Registrar, Veer Kunwar Singh University, Ara. Bihar
7. The President of the Governing Body, Jagjeevan College, Dehri-On-Sone, Rohtas. Bihar
8. The Secretary of the Governing Body, Jagjeevan College, Dehri-On-Sone, Rohtas. Bihar
9. The University Representative of the Governing Body, Jagjeevan College, Dehri-On-Sone, Rohtas. Bihar
10. The Sub-Divisional Officer (Member) of the Governing Body, Jagjeevan College, Dehri-On-Sone, Rohtas Bihar
11. The Teacher Representative of the Governing Body, Jagjeevan College, Dehri-On-Sone, Rohtas. Bihar
12. The Head Clerk, Jagjeevan College, Dehri-On-Sone, Rohtas. Bihar
13. The Accountant, Jagjeevan College, Dehri-On-Sone, Rohtas. Bihar

... .. Respondent/s

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Appearance :

For the Petitioner/s	:	Mr. Krishna Pd. Singh, Sr. Adv. Mr.Sarva Deo Singh
For the Respondent/s	:	Mr.Manish Kumar
For the Resp. No. 13	:	Mr. Y.V. Giri, Sr. Adv. Mr. Pranav Kumar Ms. Shrishti Singh

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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 petitioner for the following relief:-

I). That the petitioner prays for issuance of an appropriate writ /writs, order / orders, direction / directions to the respondents for registering the F.I.R. on the basis of written application filed by this petitioner on 9.1.2023 to the Officer Incharge Dehri-On-Sone police Station, Rohtas. Subsequently this petitioner filed an application before the Superintendent of Police, Rohtas on 11.1.2023. However, the Officer Incharge of the concerned police station and Office of Superintendent of police refused to accept the application to register the F.I.R. and direction.

II). The petitioner further prays for to investigate the matter and after completion of the investigation submit the charge sheet against the defalcation of Public money of Rs.3.25 Crore which was disbursed by the Govt. of Bihar to the college in question which is Govt. aid to the private unaided educational institution.

3. 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)

4. 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.*

5. 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.

6. 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.

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

(Sandeep Kumar, J)

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