

IN THE HIGH COURT OF JUDICATURE AT PATNA
Criminal Writ Jurisdiction Case No.245 of 2025

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

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Priti Kumari W/O Jai Prakash Kumar @ Chhotu Resident of Village- Rampur Chai, P.S- Karpi (O.P. Sahartelpa), Distt.- Arwal.

... .. Petitioner

Versus

1. The State of Bihar through the Director General of Police, Bihar. Bihar
2. The Director General of Police, Bihar having its registered office at Sardar Patel Bhawan Opposite Patna Golf Club, P.S- Shashtri Nagar, Distt.- Patna.
3. The Inspector General of Police, Magadh Division, Gaya. Bihar
4. The Deputy Inspector General of Police, Magadh Division Gaya, Bihar
5. The Superintendent of Police, Arwal. Bihar
6. The Station Head Office, P.S- Karpi (O.P. Sahartelpa), Distt.- Arwal. Bihar
7. Madhuri Devi W/O Late Krishnamurari Singh R/O Village- Rampurchai, P.S- Karpi (Shahar Telpa O.P.), Distt.- Arwal.
8. Dheraj Kumar S/O Late Krishnamurari Singh R/O Village- Rampurchai, P.S- Karpi (Shahar Telpa O.P.), Distt.- Arwal.

... .. Respondents

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Appearance :

For the Petitioner/s	:	Mr. Kumar Chandra Shekhar, Advocate Mr. Navjot Yesu, Advocate Mr. Veermani Kumar, Advocate
For the Respondent/s	:	Mr. A.A.G.3 Mr. Suman Kumar Jha, AC to AAG-3

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CORAM: HONOURABLE MR. JUSTICE SANDEEP KUMAR
ORAL ORDER

2 29-04-2025 Heard learned counsel for the petitioner and learned counsel for the State.

2. The present application has been filed for a direction upon the respondent no.5 and 6 to institute an FIR against the respondent nos.7 and 8, who have committed the murder of the deceased Late Krishnamurari Singh. Further prayer has been



made to get the matter investigated by some independent agency.

3. The Hon'ble Supreme Court in the case of ***Sakiri Vasu vs. State of U.P., (2008) 2 SCC 409*** had discouraged the practice of approaching the High Court with a prayer for registration of an F.I.R. The relevant paragraphs of the aforesaid judgment 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 section 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 the 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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