

IN THE HIGH COURT OF JUDICATURE AT PATNA
Criminal Writ Jurisdiction Case No.395 of 2024

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

Amrita Sinha D/o Mithilesh Kumar Singh R/o Village- Murari, P.S.- Karpi,
Dist.- Arwal

... .. Petitioner/s

Versus

1. The State of Bihar through the Director General of Police, Govt. of Bihar Patna
2. The Senior Superintendent of Police, Patna Bihar
3. The Superintendent of Police (Town), Patna Bihar
4. The S.H.O., Mahila Thana, Patna Bihar
5. The Deputy Insp. General of Police, Rohtas Bihar
6. The Superintendent of Police, Rohtas Bihar
7. The Deputy Superintendent of Police (H.Q.), Dehri, Dist.- Rohtas Bihar
8. Sumit Kumar Son of Brijnandan Singh R/o Village- - Aandhi Bigha, P.O.- Bantara, P.S.- Devkund, Dist.- Aurangabad

... .. Respondent/s

Appearance :

For the Petitioner/s	:	Mr. Onkar Nath
For the Respondent/s	:	Mr. SC.13
		Mr. Jai Prabhat Kishore Ac to SC 13

CORAM: HONOURABLE MR. JUSTICE SANDEEP KUMAR
ORAL ORDER

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

learned counsel for the State.

2. This application has been filed on behalf of the

petitioner for the following relief(s):

“i). Commanding the respondent authorities
particularly the respondent. No.-2 & 4 to
lodge F.I.R. in pursuance to written
application dated 10.07.2023 (Annexure-
P3) preferred by the petitioner to the



respondent no.-4.

- ii). Further commanding the respondent authorities particularly the respondent. no. 4 to bring on record the entire documents concerning with written application dated 10.07.2023 in course of the adjudication of the case/matter.”

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.

4. The Hon’ble Supreme Court in the case of ***Sakiri Vasu (Supra)*** has held as follows:

“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 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 police officials or 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 proceed to avail alternative remedies 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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