

IN THE HIGH COURT OF JUDICATURE AT PATNA
Criminal Writ Jurisdiction Case No.303 of 2022

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

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Devendra Prasad, Son of Late Sita Ram Prasad R/o Village- Burhanpur, P.S.-
Deoria, District- Muzaffarpur

... .. Petitioner/s

Versus

1. The State of Bihar Through Secretary Home, Govt. of Bihar, Patna
2. Director General of Police, Bihar, Patna
3. Senior Superintendent of Police, Muzaffarpur
4. S.H.O., Paroo P.S., District- Muzaffarpur

... .. Respondent/s

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Appearance :

For the Petitioner/s : Mr. Sanjay Parasmani, Adv.
For the Respondent/s : Mr. Md. Nadim Seraj, APP

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CORAM: HONOURABLE MR. JUSTICE BIBEK CHAUDHURI
ORAL ORDER

6 25-02-2025 This is an application under Article 226 of the Constitution of India, filed by the petitioner, with a prayer to direct the Police Authority to register a case on the basis of his application dated 22nd January, 2022, submitted before the S.H.O., Paroo Police Station, in the District of Muzaffarpur.

2. It is alleged by the petitioner in the aforesaid complaint that on 4th January, 2022 at about 9:00 A.M., one Shivji Singh and Anil Singh of the same locality met him and told him to accompany them to the local Registry Office for registration of a piece of land. He was also requested to be one of the witnesses to the execution of the proposed sale-deed. Accordingly, the petitioner went to the Registry Office with



them. Thereafter, he was treated with food and after taking food he became intoxicated. Subsequently, the above named persons revealed that the petitioner allegedly executed a sale-deed and transferred considerable amount of land in favour of the said Shivji Singh and Anil Singh. The petitioner examined the deed and found that his signature in the deed was forged. So he lodged a complaint in the local Police, but Police did not register any F.I.R., which prompted the petitioner to file the instant criminal writ petition.

3. It is needless to say that there is detailed provision in the Cr.P.C. with regard to course of action to be take by the complainant, if the Police fails or refuses to register F.I.R. under Section 154 of the Cr.P.C. The petitioner could have lodge a complaint before the jurisdictional Magistrate. He could have taken a recourse under Section 156(3) of the Cr.P.C., which could have been sent to the Police Authority for registration of F.I.R. After a lapse of about three years of the alleged incident, this Court is of the view that registration of F.I.R. would not yield any fruitful result in favour of petitioner.

4. Therefore, while disposing of the instant writ petition, the petitioner is given liberty to approach the learned jurisdictional Magistrate, by filing an application under Section



156(3) of the Cr.P.C., after observing the guideline laid down in *Priyanka Srivastava & Anr. Vrs. State of U.P.*, reported in (2015 6 SCC 287) by the Hon’ble Supreme Court.

5. Learned Magistrate shall consider the case of the petitioner in accordance with law without swayed by any observation made hereinbefore.

6. The instant criminal writ petition is thus disposed of.

(Bibek Chaudhuri, J)

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