

IN THE HIGH COURT OF JUDICATURE AT PATNA
Criminal Writ Jurisdiction Case No.502 of 2025

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

Bindu Kumari Wife of Sri Balmiki Kumar Resident of Village- Salarpur, P.S.-
Medanichawki, Distt.- Lakhisarai

... .. Petitioners

Versus

1. The State of Bihar through Director General of Police, Sardar Patel Bhawan,
P.S.- Shatrinagar, Patna Bihar
2. The Superintendent of Police, Lakhisarai Bihar
3. The S.H.O. of Medanichawki Police Station, Lakhisarai Bihar
4. Rajnish Kumar Son of Suresh Mahto Resident of Village- Khawachai Tola,
P.S.- Medanichawki, Distt.- Lakhisarai
5. Ajay Kumar Son of Shankar Mahto Resident of Village- Khawachai Tola,
P.S.- Medanichawki, Distt.- Lakhisarai
6. Vijay kumar Son of Shankar Mahto Resident of Village- Khawachai Tola,
P.S.- Medanichawki, Distt.- Lakhisarai
7. Anup mandal Son of Shivan Mandal Resident of Village- Milki, P.S.-
Medanichawki, Distt.- Lakhisarai
8. Binod Mandal Son of Shivan Mandal Resident of Village- Milki, P.S.-
Medanichawki, Distt.- Lakhisarai

... .. Respondents

Appearance :

For the Petitioner/s : Mr. Anand Kumar, Advocate
For the Respondent/s : Mr. G.P. 14

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 the
following reliefs:-

*(i) For directing the concerned
authorities to register an FIR against the
respondent no.4 to 8 for the commission of*



cognizance offence and other appropriate section of BNS, 2023 for giving threat of life and tried to dispossess the petitioner from her own property making a conspiracy in collusion with local administration.

(ii) For directing the respondent no.2 to investigate the matter as alleged on the respondent nos.4 to 8 with Special Police Officer properly as all such occurrence occurred in the knowledge and under the shadow of the local police station.

(iii) For directing the respondent concerned to take proper and legal action against the SHO, Medanichawki for their negligence in the matter of not registering the FIR against the respondent no.4 to 8 and also to harass the petitioner mentally as well as physically.

(iv) For any other relief to which the petitioner is found entitled to in the facts and circumstances of the case.

3. The Hon'ble Supreme Court in the case of ***Sakiri Vasu vs. State of U.P.***, reported as ***(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 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 Dhangre 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)

shikha/-

U		T	
---	--	---	--

