

IN THE HIGH COURT OF JUDICATURE AT PATNA
Criminal Writ Jurisdiction Case No.725 of 2025

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

Rambhawan Ray Son of Fakirchand Ray Resident of Mohalla- Water Tower
Road No. 01, Behind Circuit House, P.O.- G.P.O, P.S.- Kotwali, District-
Patna (Bihar)

... .. Petitioner/s

Versus

1. The State of Bihar the Additional Chief Secretary, Environment and Forest
Department Govt. of Bihar Bihar
2. The District Forest Officer, District- Gaya Gaya
3. The Superintendent of Police, District- Gaya Gaya
4. The Circle Officer, Khijarsarai, District- Gaya Gaya
5. The S.H.O. Khijarsarai, District- Gaya Gaya
6. Jitendra Kumar Son of Hari Prasad Resident of Vill- Harna Tola, Raman
Bihga, P.O.- Bindaul, P.S.- Khijarsarai, District- Gaya (Bihar)
7. Hari Prasad Son of Late Shivdhari Prasad Resident of Vill- Harna Tola,
Raman Bihga, P.O.- Bindaul, P.S.- Khijarsarai, District- Gaya (Bihar)

... .. Respondent/s

Appearance :

For the Petitioner/s : Mr. Amit Kumar
For the Respondent/s : Mr. A.A.G.13

CORAM: HONOURABLE MR. JUSTICE SANDEEP KUMAR
ORAL ORDER

2 24-06-2025 Heard the learned counsel for the petitioner and the

learned counsel for the State.

2. The writ petition has been filed on behalf of the
petitioner for the following reliefs:-

*i) For issuance of a writ in the nature of
mandamus or any other appropriate writ/writs,
order/ orders, direction/ directions,
command/commands for directing the respondents
to lodge a criminal case against the Respondent
No. 7 and 8 on the information given by the
petitioner on 19.03.2025.*



(ii) It is further prayed for grant of any other relief/reliefs which the petitioner may be found entitled in the prevailing facts and circumstances of the case.

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 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 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 police officials or actions not to the satisfaction of the petitioner, then the efficacious alternative remedy is available to the petitioner under sections 190 and 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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