

IN THE HIGH COURT OF JUDICATURE AT PATNA
Criminal Writ Jurisdiction Case No.644 of 2022

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

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Ravindra Kumar, Son of Late Sushil Chandra Gupta Resident of Mohalla -
Station Road, Gosaibagh, P.S. - Kotwali, P.O.- Gaya R.S., District - Gaya.

... .. Petitioner/s

Versus

1. The State of Bihar Through Inspector General Of Police, Gaya Range, Gaya
2. The Senior Superintendent of Police, Gaya.
3. The Superintendent of Police, Gaya.
4. The Station House Officer, Kotwali Police Station
5. Ajay Kumar Gupta Son of Late Sarju Parsad Gupta Resident of GB Road,
Tulsi Bhawan, Murarpur Road, P.S. Kotwali, Gaya.

... .. Respondent/s

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Appearance :

For the Petitioner/s	:	Mr. Alok Kumar Alok, Adv.
For the State	:	Mr. Sheo Shankar Prasad, APP

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CORAM: HONOURABLE MR. JUSTICE BIBEK CHAUDHURI
ORAL ORDER

3 25-02-2025 On the allegation of dispossession from a shop,

otherwise than due process of law, by the respondent no. 5, the

petitioner has filed the instant writ petition alleging, inter alia,

that the petitioner filed a written complaint before the S.H.O.,

Gaya Police Station on 23.08.2021, stating, inter alia, that the

respondent no. 5, forcibly dispossessed him by putting a

padlock on the entrance door of the shop of the petitioner, but

Police did not take any action by registration of F.I.R.

2. The State/respondents have filed a counter affidavit

denying the allegations made by the petitioner. Police also

submitted a report to the Senior Superintendent of Police, Gaya



stating, inter alia, that no complaint was made in Gaya Police Station over the aforesaid incident.

3. On perusal of the allegation made by the petitioner, this Court finds that the dispute between the petitioner and respondent no. 5 is absolutely civil in nature. If a person is wrongfully dispossessed, otherwise than due process of law, the only remedy lies against the defendant is by filing a suit for recovery of possession.

4. As no criminal liability is prima facie attributed to the respondent no. 5, the instant criminal writ petition is not maintainable.

5. However, the petitioner is at liberty to take steps, in accordance with law, for recovery of possession.

6. Accordingly, the instant criminal writ petition is disposed of.

(Bibek Chaudhuri, J)

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