

IN THE HIGH COURT OF JUDICATURE AT PATNA
Criminal Writ Jurisdiction Case No.762 of 2025

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

Navin Kumar Jha S/o- Krishna Dev Jha Village- Bishnupur Chandni Chowk
Banduar PO- Mirzapur PS- Nagar Town District- Begusarai

... .. Petitioner/s

Versus

1. The State of Bihar through the Principal Secretary, Home Department, Govt. of Bihar, Patna Bihar
2. The Principal Secretary, Home Department, Govt. of Bihar, Patna Bihar
3. The Director General of Police, Govt. of Bihar, Patna Bihar
4. The District Magistrate, Begusarai Bihar
5. The Superintendent of Police, Begusarai Bihar
6. The Station Head Officer, SHO, Begusarai Bihar
7. The Circle Officer, Begusarai, Bihar Bihar
8. Sadhna Devi Ashok Kumar Jha R/o- Station Road Teghra Ps- Teghra Sub Division Teghra Dist- Begusarai
9. Raju Jha S/o- Ashok Kumar Jha R/o- Station Road Teghra Ps- Teghra Sub Division Teghra Dist- Begusarai, P/A- W.No- 42, Near Hanuman Mandir, Village- Bishnupur Chandni Chowk Banduar PO- Mirzapur PS- Nagar Town District- Begusarai

... .. Respondent/s

Appearance :

For the Petitioner/s	:	Mr. Dilip Kumar Roy
For the Respondent/s	:	Mr. Prashant Pratap, G.P.2
		Mr. Asit Kumar AC to GP 2

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. This is an application for issuance of an appropriate
writ/writs, order/orders, direction/directions commanding the
respondents' authorities for the following reliefs: -

*a). For issuance of an appropriate
writ for directing upon the respondent's*



authorities to act in accordance with law and to register FIR under appropriate sections of BNS-23, against the private respondent no.08 and 9 and further to investigate the fraud committed by them in registration of sale deed after withholding the certain relevant facts and after hearing the parties further to act in fair manner and within stipulated time frame.

b). For direction upon the respondents to dispose of the representation dt.25.02.2025 filed by the petitioner wherein he has mentioned all the relevant facts about the injustice and fraud committed by the private respondents and further to deliver the possession of land/property (bearing details as khata no.251, khesra no.1131 and 1132) free from all encumbrances.

c). For direction upon the respondents to immediately and forthwith direct and call upon the respondent authorities to act in accordance with law and further to register the FIR and bring it to its logical end and to furthermore to arrest and sent up the accused persons for trial.

d). For direction upon the respondents to immediately and forthwith direct and call upon the respondent authorities to act in accordance with law and to bring the present case to its logical conclusion.

e). For directing the respondent/s to provide a fair opportunity to the petitioner to represent his case, as till date no concrete step has been taken by the police as well as local authorities for investigating the case of the petitioner.

f). For directing the respondent/s specially the superintendent of Police, Begusarai (Respondent No.05) to act upon the representation dt.25.02.2025 as submitted by the petitioner.

g). For issuance of an appropriate writ for commanding the respondents to act in



accordance with law and to investigate the case properly within timeframe and without any biasness and to answer the Hon'ble Court that under which circumstances the private respondent got the land receipt named in their name after withholding the facts.

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)

5. 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.

6. 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.

7. 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.

8. Accordingly, this application is disposed of with the
aforesaid liberty to the petitioner.

(Sandeep Kumar, J)

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