

IN THE HIGH COURT OF JUDICATURE AT PATNA
Criminal Writ Jurisdiction Case No.984 of 2024

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

Ashok Kumar SON OF RAM DAYAL SAH Resident of village- Ambakala,
P.O.- Ambakala, P.S.- Piprahi, Dist- Shivhar , bihar

... .. Petitioner/s

Versus

1. THE DIRECTOR GENERAL OF POLICE (D.G.P) BIHAR PATNA BIHAR
2. THE I.G OF POLICE TIRHUT RANGE MUZAFFARPUR, BIHAR BIHAR
3. THE DIG (POLICE) TIRHUT PRAMANDAL MUZAFFARPUR BIHAR
4. THE SUPERITENDENT OF POLICE, DISTRICT SHIVHAR BIHAR
5. THE DISTRICT EXCISE SUPERINTENDENT DISTRICT- SHIVHAR BIHAR
6. THE D.S.P. SUB DIVISION SHIVHAR, DISTRICT-SHIVHAR BIHAR
7. THE S.H.O POLICE STATION-PIRPARHI, DISTRICT- SHIVHAR BIHAR Bihar
8. THE EXCISE INSPECTOR, EXCISE POLICE STATION-PIPRAHI, DISTRICT- SHIVHAR BIHAR
9. Kamal Kumar S/O not known Member of Patrolling Party of Excise Dept., Dist.- Sheohar.
10. Rajesh Sahani S/O not known Member of Patrolling Party of Excise Dept., Dist.- Sheohar..

... .. Respondent/s

Appearance :

For the Petitioner/s	:	Mr. Uttam Kumar Mishra Mr. Suresh Singth Mr.Arvind Prasad Singh
For the Respondent/s	:	Mr.G.P.27

CORAM: HONOURABLE MR. JUSTICE SANDEEP KUMAR
ORAL ORDER

5 21-04-2025 Heard the parties.

2. The present writ petition has been filed seeking registration of F.I.R against the patrolling party of the Excise Department, Sheohar pursuant to the complaint dated 16.03.2024 filed before S.H.O Pirparhi, Sheohar.



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 prayer for registration of F.I.R. The hon'ble Supreme Court had 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 in ***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**.

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 section 190, 200 of the Cr.P.C (section 210, 223 of the *Bharatiya Nagarik Suraksha Sanhita* (BNSS), 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. This petition is disposed of with the aforesaid liberty.

(Sandeep Kumar, J)

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