

IN THE HIGH COURT OF JUDICATURE AT PATNA

Criminal Writ Jurisdiction Case No.1247 of 2025

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

Sanju Devi W/o- Manoj Kumar Villlage- Distauliya PO-Parsauni Kapoor
Gram Panchayat Raj Pagahiya PS- Kathiya Block- Motipur Distict-
Muzaffarpur

... .. Petitioner/s

Versus

1. The State of Bihar through the Principal Secretary, Rural Development Dept., Govt. of Bihar, Patna Bihar
2. The Director General of Police, Bihar, Patna
3. The Director, Bihar Rural Development Society, Rural Development Dept. Bihar, Patna
4. The Commissioner, Mahatma Gandhi National Rural Employment Guarantee Schemes, Rural Development Dept. Bihar, Patna
5. The Inspector General of Police, Tirhut Division, Muzaffarpur Bihar
6. The District Magistrate, Muzaffarpur Bihar
7. The Senior Superintendent of Police, Muzaffarpur Bihar
8. The Deputy Development Commissioner, Muzaffarpur
9. The Block Development Officer, Motipur, Muzaffarpur
10. The Station House Officer, Motipur, Muzaffarpur Bihar
11. Sanjay Singh Son of Late Ramajanam Singh R/o Villlage/gram- Pagahiya P.O - Parsauni Kapoor , PS- Kathiya Distict- Muzaffarpur

... .. Respondent/s

Appearance :

For the Petitioner/s : Mr. Karandeep Kumar, Advocate
For the Respondent/s : Mr. Pramod Kumar Yadav, AC to S.C. 12

CORAM: HONOURABLE MR. JUSTICE SANDEEP KUMAR

ORAL ORDER

2 03-07-2025 Heard the parties.

2. The present criminal writ application has been filed

for the following reliefs:-

“(i) For directing the respondent authorities to lodge a First Information Report against the respondent No. 11 on the basis of written information given by the petitioner on 10.09.2024 to the respondent authority in which cognizable offence is made out against the respondent No. 11

(ii) For directing the respondent to



make enquiry in regard to the conduct and illegal activity of the private respondent No. 11 against which complaint/ representation has been filed before the respondent authority by the petitioner on 26.03.2025 in which it has been alleged that the respondent No. 11 make several frivolous applications against the work executed under the Government Scheme in Gram Panchayat Raj- Pagahiya, Anchal-Motipur, District- Muzaffarpur.

(iii) For commanding the respondent authority to protect the right to life and property to the petitioner as granted under Article 21 of the Constitution of India from the respondent No. 11 who threatened her for payment of extortion money against which several representation are pending before the authority concern.

(iv) For commanding the respondent authorities to restrain the respondent No. 11 for filing frivolous application with false allegation on each and every executed work under the Government Scheme in the Gram Panchayat Raj Pagahiya, Block- Motihari, Muzaffarpur.

(v) For commanding the respondent authority for not acting upon on each and every frivolous complaint of respondent No. 11 without preliminary enquiry in respect of the work executed under the Government Scheme in the Gram Panchayat Raj Pagahiya, Block- Motihari, Muzaffarpur.

(vi) For directing the respondent authority to take all legal action against the respondent No. 11 if his application is found to be frivolous.

(vii) And for grant any other relief(s) as per the facts and circumstances of this 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 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 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 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)

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