

IN THE HIGH COURT OF JUDICATURE AT PATNA
Criminal Writ Jurisdiction Case No.1196 of 2025

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

Mrityunjay Mani Goswami Son of Sri Bhola Goswami Ward No. - 15, Choti Bazar, Rampur Dudhpura, P.S.-Mufassil, District-Samastipur.

... .. Petitioner/s

Versus

1. The State of Bihar (through the Director General of Police) Bihar
2. The Deputy Inspector General of Police, Darbhanga Bihar
3. The Superintendent of Police, Samastipur Bihar
4. The Officer In Charge, Town Police Station, Samastipur Bihar
5. Sri Amar Kumar, ASI, Samastipur Town Police Station Bihar
6. Prema Devi Wife of Late Satyanarayan Sah Resident of Gudari Bazar Ward no. 23, P.S - Mufassil , Distt.- Samastipur
7. Santosh Kumar Son of Late Satyanarayan Sah Resident of Gudari Bazar Ward no. 23, P.S - Mufassil , Distt.- Samastipur

... .. Respondent/s

Appearance :

For the Petitioner/s : Mr.Sanjay Kumar Singh
For the Respondent/s : Mr.G.P.17

CORAM: HONOURABLE MR. JUSTICE SANDEEP KUMAR
ORAL ORDER

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

2. The present application has been filed on behalf of the petitioner seeking a direction upon the respondent authorities for institution of the FIR against the accused persons including respondent no. 5 and other constables as well as Gaurav Kumar, nephew of respondent no. 7, who is working as Deputy Superintendent of Police.

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 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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