

IN THE HIGH COURT OF JUDICATURE AT PATNA

Criminal Writ Jurisdiction Case No.1752 of 2024

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

Rajkishore Pandit, Son of Late Nageshwar Pandit, Resident of Vill.-
Khamhoti, P.S.- Bakhtiyarpur, District- Saharsa.

... .. Petitioner/s

Versus

1. The State of Bihar through Director General of Police Bihar Patna Bihar, Patna
2. Deputy Inspector General of Police Begusarai Range PS and District Begusarai
3. Superintendent of Police Khagaria
4. Officer-in-charge Beldour Police Station under District Khagaria

... .. Respondent/s

Appearance :

For the Petitioner/s : Mr. Diwakar Prasad Singh, Advocate
For the Respondent/s : Mr. A.A.G.4

CORAM: HONOURABLE MR. JUSTICE SANDEEP KUMAR

ORAL ORDER

2 17-07-2025 Heard the learned counsel for the petitioner and

learned counsel for the State.

2. The petitioner has moved the Court for the

following reliefs:

“(i) That for issuance of appropriate writ order or direction or writ in the nature of mandamus commanding the respondent to register FIR against the accused person in view of written application dated 01.11.22 submitted to officer-in-charge Beldour & Superintendent of Police at Khagaria on 01.11.22 (Annexure-4) & upon failure of registering FIR by officer-in-charge, an application through registered Post was served upon the Superintendent of police at Khagaria under the Provision of Section 154(3) of Cr. PC requesting to register FIR against the accused persons on the basis of aforesaid written application submitted to officer-in-charge Beldour & Superintendent of police at Khagaria.



(ii) That a suitable direction by way of declaration be given that the respondent officer-in-charge Beldour was duty bound to register the Case under Section 154(1) of Cr. PC & refusal of registration of FIR is violation of Direction of Hon'ble Supreme Court of India in the Case of Lalita Kumari Vs Government of UP & others (Writ Petition (Cr.) No. 68 of 2008).

(iii) That for issuance of appropriate writ order or direction to the respondent superintendent of police at Khagaria to investigate the Case independently without any prejudicial approach & arrest the accused person named in the FIR so that the investigation can arrive at logical end.

(iv) That the respondent be directed under exercising supervisory jurisdiction of this Hon'ble Court that registration of FIR in Cognizable Cases is mandatory & refusal/ignorance of Registration of FIR is illegal & against the Spirit of Code of Criminal Procedure as such action of officer-in-charge Beldour is excessive & colorable exercise of power.

(v) That necessary action by way of suitable punishment be taken against the errant police officer who intentionally avoided his duty of registering offence when bare perusal of written report cognizable offence is disclosed as such Action must be taken against erring officers who didn't register the FIR in view General direction no. IV given by Hon'ble Supreme Court of India in the Case of Lalita Kumari Vs Government of UP & others (Writ Petition (Cr.) No. 68 of 2008).

(vi) That the court below be directed under exercising the supervisory jurisdiction commanding the official respondents to act independently in apolitical manner without guiding by named accused person."

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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