

**IN THE HIGH COURT OF JUDICATURE AT PATNA**  
**Criminal Writ Jurisdiction Case No.1576 of 2025**

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

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Priyanka Kumari W/o Mukesh Kumar, D/o Vishwa Mohan Prasad Resident of Village- Jahanpur, P.S.- Dhanarua, District- Patna at present residing at Village- Jogipur Malwan, P.S.- Hilsa, District- Nalanda.

... .. Petitioner

Versus

1. The State of Bihar through Director General of Bihar, Home Department Govt. of Bihar, Patna
2. The Additional Chief Secretary, Home Deptt. Govt. of Bihar, Patna
3. The Deputy Director General of Police, Home Deptt., Govt. of Bihar, Patna
4. The Senior Superintendent of Police, Patna
5. The Senior Superintendent of Police (Rural), Patna
6. The Station House Officer, Dhanaura P.S., Distt.- Patna
7. Sanni Kumar S/o Sudhir Prasad
8. Sudhir Prasad S/o Bakhori Singh
9. Ravi Kumar S/o Sudhir Prasad
10. Lalita Devi W/o Sudhir Prasad
11. Pintu Kumar S/o Raghvendra Singh
12. Lalit Kumar S/o Mundarik Yadav.

Respondent nos. 7 to 12 are resident of village - Jahanipur, P.S.- Dhanaura, Distt.- Patna

... .. Respondents

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**Appearance :**

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| For the Petitioner  | : | Mr. Kumari Sujata Sinha |
| For the Respondents | : | G.A.-7                  |

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**CORAM: HONOURABLE MR. JUSTICE SANDEEP KUMAR**

ORAL ORDER

2      22-07-2025                      Heard learned counsel for the petitioner and learned counsel for the State.

**2.**      The present application has been filed for the following reliefs:-

*i. For issuance of Criminal Writ*



*commanding the concerned Respondents to institute the F.I.R. against Respondent Nos.7 to 12 for committing rape, abusing, assaulting, misbehaving and blackmailing.*

*ii. For issuance of Criminal Writ commanding the concerned Respondents of arrest Respondent Nos. 7 to 12 and prosecute them criminal case.*

*iii. For issuance of Criminal writ to take disciplinary and legal action against Respondent No.6 due to not, instituting F.I.R. and not taking legal action against Respondent Nos.7 to 12 in spite of several written complaint made by the petitioner.”*

3. The Hon’ble Supreme Court in the case of ***Sakiri Vasu vs. State of U.P.*** reported as ***(2008) 2 SCC 409*** has 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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