

IN THE HIGH COURT OF JUDICATURE AT PATNA
Criminal Writ Jurisdiction Case No.1760 of 2024

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

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1. Aman Kumar Verma S/o Late Braj Kishore Prasad Verma R/o vill - Laxman Kutir, Shivaji Path, Near Devi Asthan, Yarpur, P.S. - Gardanibagh, Distt. - Patna
 2. Anand Kumar Verma S/o Late Braj Kishore Prasad Verma R/o vill - Laxman Kutir, Shivaji Path, Near Devi Asthan, Yarpur, P.S. - Gardanibagh, Distt. - Patna
 3. Amitesh Kumar Verma S/o Late Braj Kishore Prasad Verma R/o vill - Laxman Kutir, Shivaji Path, Near Devi Asthan, Yarpur, P.S. - Gardanibagh, Distt. - Patna

... .. Petitioner/s

Versus

1. The State of Bihar through the Principal Secretary, Deptt. of Home, Gov. of Bihar, Patna Bihar
2. The Principal Secretary, Revenue, Dept. Gov. of Bihar, Patna Bihar
3. The Director General of Police, Gov. of Bihar, Patna Bihar
4. The Inspector General of Police, Munger, Distt. - Munger, Bihar Bihar
5. The District Magistrate, Munger, Distt. - Munger, Bihar Bihar
6. The Superintendent of Police, Munger, Distt. - Munger, Bihar Bihar
7. The Sub Divisional Police Officer, Haweli Kharagpur, Distt. - Munger, Bihar Bihar
8. The Station House Officer, Haweli Kharagpur Police Station, Distt. - Munger, Bihar Bihar
9. The Registrar, Sub Registry Office, Munger, Distt. - Munger (Bihar) Bihar
10. The Circle Officer, Haweli Kharagpur, Distt. - Munger (Bihar) Bihar
11. Divya Devi W/o Ramnandan Singh R/o vill - Brue, P.S. - Haweli Kharagpur, Distt.-Munger (Bihar)
12. Rajesh Kumar S/o Late Saryug Mandal R/o vill - Kadarganj, P.S. - Haweli Kharagpur, Distt. - Munger
13. Rupesh Kumar Yadav S/o Balram Prasad Yadav R/o vill - Brue, P.S. - Haweli Kharagpur, Distt. - Munger (Bihar)

... .. Respondent/s

Appearance :

For the Petitioner/s : Mr.Vinay Kumar Mishra
For the Respondent/s : Mr.G.A.2

CORAM: HONOURABLE MR. JUSTICE SANDEEP KUMAR
ORAL ORDER

2 05-05-2025

Heard learned counsels for the parties.



2. Defect is ignored.

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

(i) For issuing direction upon the respondent authorities for lodging F.I.R. against the private respondent no.11 to 13.

(ii) For issuing direction upon the respondent authority to save the life of the petitioners along with their family members who are living under threats by the respondent nos.11 to 13.

(iii) For issuing direction upon the respondent authority to take legal action against the private respondent no.11 to 13 as they have made forged signature of the petitioner no.1 and sold the land bearing Khata No.264, Kheshra No.4088, Thana No.382, Total Area 2 Bighas 9 Dhur and 18.4 Dhurki, Jamabandi No.1262 situated under Mauza Ramankabad Khas, Circle Office-Kharagpur vide Sale Deed No.767 dated 09.09.2020 in favour of the respondent no.11.

(iv) For any other relief to which the petitioners are found entitled to be in the facts of the case.

4. 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 judg-



ment 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)

5. 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***.

6. 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 petitioners, then the efficacious alternative remedy is available to the petitioners under section 190, 200 of the Cr.P.C (sections 210, 223 of the Bharatiya Nagarik Suraksha Sanhita, 2023) or other statutory provisions under law.

7. Therefore, the petitioners are given liberty to avail the alternative remedies as provided under the Cr.P.C./Bharatiya Nagarik Suraksha Sanhita (BNSS), 2023 for registration of the F.I.R.

8. Accordingly, this application is disposed of with the aforesaid liberty to the petitioners.

(Sandeep Kumar, J)

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