

**IN THE HIGH COURT OF JUDICATURE AT PATNA**  
**Criminal Writ Jurisdiction Case No.1370 of 2023**

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

=====

Raj Kumar Thakur Son Of Shri Hari Kishun Thakur Resident Of Village -  
Bhusaula Danapur, Pokhara Par, P.S. - Phulwarisharif, District - Patna

... .. Petitioner/s

Versus

1. The State Of Bihar Through The Director General Of Police, Sardar Patel Bhawan, Nehru Path, Patna Patna
2. The Director General Of Police, Sardar Patel Bhawan, Nehru Path, Patna Patna
3. The Deputy Inspector General Of Police, Munger, Range, Munger Munger
4. The Superintendent Of Police, Sheikhpura, P.S. And District - Sheikhpura Sheikhpura
5. The Superintendent Of Police, Jamui, District - Jamui Jamui
6. The Deputy Superintendent Of Police, Sheikhpura Sheikhpura
7. The Station House Officer, Sheikhpura, P.S. - Sheikhpura, District - Sheikhpura Sheikhpura
8. Nitish Kumar Son Of Tarun Kumar Resident Of Village - Sabdalpur, P.O. - Shaligram, P.S. - Sahebpur Kamal, District - Begusarai
9. Shabnam Devi Wife Of Nitish Kumar Resident Of Village - Sabdalpur, P.O. - Shaligram, P.S. - Sahebpur Kamal, District - Begusarai

... .. Respondent/s

=====

**Appearance :**

For the Petitioner/s : Mr. Awadhesh Kumar Mishra  
For the Respondent/s : Mr. M. Nasrul Huda Khan

=====

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

3      08-05-2025                      Heard the learned counsel for the petitioner and the  
  
learned counsel for the State.

2. This application has been filed on behalf of the  
  
petitioner seeking for the following relief(s):

*“(i) Respondent authorities be  
directed to lodge an F.I.R. against the  
respondent No. 8 and 9 who compelled the*



*petitioner's sister namely, Priya Kumar to commit suicide and who died on 04.08.2022 in PMCH, Patna.*

*(ii) Respondent no. 8 and 9 be directed to pay a compensation to the legal heirs (Minor sons namely, Abhinav Raj and Aayush Raj of petitioner's sister namely Priya Kumari who died on 04.08.2022 while posted as a constable in District police force, Shekhpura.”*

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.

4. The relevant paragraphs of the aforesaid judgment 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 petitioner, then the efficacious alternative remedy is available to the petitioner 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 petitioner is given liberty to avail the alternative remedies as provided under the Cr.P.C./(BNSS), 2023 for registration of the F.I.R.

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

(Sandeep Kumar, J)

Shishir/-

|   |  |   |  |
|---|--|---|--|
| U |  | T |  |
|---|--|---|--|

