

IN THE HIGH COURT OF JUDICATURE AT PATNA
Criminal Writ Jurisdiction Case No.1499 of 2024

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

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Brij Bhusan Pandey Son of Yogendra Pandey R/O Vill.- Pramanandpur,
Parmanandupur, P.s.- Darauli, Dist.- Siwan, Bihar

... .. Petitioner/s

Versus

1. The State Of Bihar through the Chief Secretary, Government of Bihar Patna
2. The Additional Chief Secretary, Department of Food And Consumer Protection, Government of Bihar Patna
3. The Director General of Police, Bihar, Patna Patna
4. The District Magistrate, Siwan Bihar
5. The Superintendent of Bihar, Siwan Bihar
6. The Sub-Divisional Officer cum 1st Appeallate Officer, Siwan Sadar Bihar
7. The Block Supply Officer/Supply Inspector Cum Public Information Officer, Darauli Block Dist.- Siwan, Bihar
8. The Station Head Officer, P.s.- Darauli, Dist.- Siwan Bihar

... .. Respondent/s

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Appearance :

For the Petitioner/s : Mr.Diwakar .
For the Respondent/s : Mr.Aag.5

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CORAM: HONOURABLE MR. JUSTICE SANDEEP KUMAR
ORAL ORDER

2 24-07-2025 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 order(s) / direction(s)
or writ(s) in the nature of mandamus directing the
Respondent Authorities to institute a case and
lodge an FIR against the Respondent Nos. 6 & 7
and run criminal proceedings against them where
the Petitioner being an RTI Activist made an
application under the Right to Information Act*



before the Respondent Authorities for which he was directed to pay a cost of Rs.29852/-against the information he sought for, the Petitioner vide Nazarat receipt No. 511897 dated 29.09.2023 deposited that amount even within the time limit but the sought information was not provided to him by Respondent No. 7 after which he filed an appeal against the same before Respondent No. 6 where vide letter No. 2239 dated 13.10.2023 and letter No. 130 dated 18.10.2023 Respondent No. 6 & 7 respectively fixed the date of hearing as 20.10.2023 but for hiding persistent corruption and irregularities (which was ought to be revealed by the response of RTI of the Petitioner) Respondent Authorities (particularly Respondent No. 6 & 7) deliberately with bad intentions did not availed the information to the Petitioner which was sought by him in his RTI application.

(ii) For issuance of further order(s) / direction(s) or writ(s) in the nature of Mandamus directing the Respondent Authorities to either make available information sought by the Petitioner by his RTI application or to refund him that the cost taken (Rs.29852/-) from him for providing him his sought information.

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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