

IN THE HIGH COURT OF JUDICATURE AT PATNA
Criminal Writ Jurisdiction Case No.1669 of 2024

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

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Alok Kumar Singh S/O Adarsh Singh R/O Village- Kuer Bathua, P.O- Bathua
Bazar, P.S And Circle- Phulwariya, Distt.- Gopalganj.

... .. Petitioner/s

Versus

1. The State Of Bihar, Through The Additional Chief Secretary, Department Of Home, Govt. Of Bihar Bihar
2. The Director General Of Police, Bihar, Patna. Bihar
3. The District Magistrate, Gopalganj. Bihar
4. The Superintendent Of Police, Gopalganj. Bihar
5. The Deputy Superintendent Of Police, Gopalganj. Bihar
6. The Station House Officer, Police Station Phulwariya, Distt.- Gopalganj. Bihar

... .. Respondent/s

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Appearance :

For the Petitioner/s : Mr.Vyas Kumar Mishra
For the Respondent/s : Mr.S.C.16

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CORAM: HONOURABLE MR. JUSTICE SANDEEP KUMAR
ORAL ORDER

2 14-07-2025 Heard the learned counsel for the petitioner and the

learned counsel for the State.

2. This criminal writ petition is being filed for
issuance of direction to the authority concerned particularly
Respondent No.-5 and 6 to register First Information Report on
the petition filed by the petitioner for disturbing in fishing duty
granted by the department of Fishery and in spite of Letter No.-
2159 dated 05.02.2023 by the District Fishery Officer,
Gopalganj requesting to take lawful step concerned police
station as well.



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. The Hon'ble Supreme Court in the case of ***Sakiri Vasu (Supra)*** has held as follows:

“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 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 police officials or 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.

6. Therefore, the petitioner is given liberty to proceed to avail alternative remedies 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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