

IN THE HIGH COURT OF JUDICATURE AT PATNA
Criminal Writ Jurisdiction Case No.1762 of 2025

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

Asha Singh S/o Prakash Singh Resident of village- Panro, P.S.-Barhat,
District -Jamui.

... .. Petitioner/s

Versus

1. The State of Bihar The state of Bihar.
2. The Additional Chief Secretary Department of Home Bihar, Old Secretariat, Old Secretariat, P.O. and P.S. Sachiwalay, Patna, District- Patna.
3. The Director General of police, Bihar, P.O. and P.S. - Sachiwalay Patna, District-Patna.
4. The Inspector General of Police Bihar, Old Secretariat, P.O. and P.S. - Sachiwalay Patna, District-Patna
5. The Deputy Inspector General of police, Munger Munger, P.O. and P.S.- District - Munger.
6. The Superintendent of police, Jamui Jamui, P.O. and P.S. and District- Jamui.
7. The Deputy Superintendent of police, Jamui Jamui, P.O. and P.S.- Jamui, District- Jamui.
8. The officer in charge police station Barhat P.O. P.S. - Barhat, District- Jamui.

... .. Respondent/s

Appearance :

For the Petitioner/s : Mr.Rajesh Kumar Sinha, Advocate
For the Respondent/s : Mr.S.C. 23

CORAM: HONOURABLE MR. JUSTICE SANDEEP KUMAR
ORAL ORDER

2 04-08-2025 Heard the parties.

2. This application has been filed on behalf of the
petitioner for the following relief:-

*“(1) For a direction to the respondent
no. 8, the officer in charge, Barhat P.S. to lodge
an F.I.R on the basis of written information given
by petitioner on 7-06-2025 before the Officer-in-
Charge, Barhat, P.S. for cognizable offence, but
till date no FIR has been lodged by the police.*

(II) Further for a direction to the



respondent to investigate the case after lodging F.I.R and conclude it's logical conclusion.”

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 Dhangre** 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)

P. Kumar

U		T	
---	--	---	--

