

IN THE HIGH COURT OF JUDICATURE AT PATNA
Criminal Writ Jurisdiction Case No.2046 of 2024

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

Sanjay Kumar Gupta Son of Late Shiv Shankar Prasad Gupta Resident of Village Chanchaliya, Police Station Taraiya, District- Saran, Bihar- 841424, Presently residing at 14/4/2, Mackenje Lane, P S.-Howrah, West Bengal- 711101

... .. Petitioner/s

Versus

1. The State of Bihar through the Secretary, Department of Home, Government of Bihar Patna
2. The Director General of Police, Bihar Patna
3. The District Magistrate cum Collector, Dist.- Saran, Bihar Patna
4. The Superintendent of Police, Dist.- Saran, Bihar Patna
5. The Sub Divisional Magistrate, Marhowrah, Dist - Saran Bihar
6. The Dy. S. P., Marhowrah, Dist.- Saran Bihar
7. The Circle Officer, Taraiya, Dist.- Saran, Bihar Patna
8. The S.H.O., Taraiya Police Station, Dist.- Saran Bihar
9. Rajak Miya @ Abdul Rajak Miya Son of Late Ismail Miya Resident of Village- Bhalua Shankardih, Post- Shankardih, Police Station- Taraiya, District- Saran, Bihar
10. Islamuddin Son of Rajak Miya @ Abdul Rajak Miya Resident of Village- Bhalua Shankardih, Post- Shankardih, Police Station- Taraiya, District- Saran, Bihar
11. Salahuddin Son of Rajak Miya @ Abdul Rajak Miya Resident of Village- Bhalua Shankardih, Post- Shankardih, Police Station- Taraiya, District- Saran, Bihar
12. Maksud Ansari Son of Rajak Miya @ Abdul Rajak Miya Resident of Village- Bhalua Shankardih, Post- Shankardih, Police Station- Taraiya, District- Saran, Bihar
13. Noor Alam @ Dr. Munna Son of Islamuddin Resident of Village- Bhalua Shankardih, Post- Shankardih, Police Station- Taraiya, District- Saran, Bihar
14. Muzaffar Ali @ Badshah Son of Asgar Ali Resident of Village- Bhalua Shankardih, Post- Shankardih, Police Station- Taraiya, District- Saran, Bihar

... .. Respondent/s

Appearance :

For the Petitioner/s	:	Mr. Dbaki Nandan Maiti, Advocate Mr. Rittick Choudhary, Advocate Mr. Praveen Kumar, Advocate
For the Respondent/s	:	Mr. Md. Raisul Haque, SC-10

CORAM: HONOURABLE MR. JUSTICE BIBEK CHAUDHURI



ORAL ORDER

3 07-04-2025 It is the case of the petitioner that the petitioner is the owner in possession of an ancestral property situated in Mauza-Bhalua Shankardih under the police Station-Taraiya, District-Saran. It is further alleged by the petitioner that the private respondents manufactured a forged sale deed and claimed the property. The petitioner is being threatened by the private respondents on the basis of the forged deed. The petitioner made complaint before the S.H.O. of the Jurisdictional Police Station on 03.06.2024 and 20.08.2024 but police did not take any action against the private respondents.

2. It is submitted on behalf of the State-Respondents, on the contrary, that the dispute raised by the petitioner is purely civil in nature. The petitioner previously filed a title suit, which was dismissed on contest, against that the petitioner preferred an appeal, which is presently pending. Therefore, the right, title and interest of the petitioner would depend on the basis of the final judgement delivered by the Appellate Court.

3. Prima-facie I am in agreement with the submission made by the learned Advocate for the State-Respondents. However, when repeated complaints were filed before the concerned police station with the allegation that the respondents have executed a forged document. The police ought to have



considered whether forgery has been committed in execution of the deed allegedly in favour of the respondents and whether the respondents trace-passed into the property illegally. The said enquiry/investigation was necessary for the police to conduct because the offences relating to forgery and using a forged document as genuine. Offences are cognizable in nature and police authority was bound to register F.I.R. in such case.

4. This Court is not unmindful to note that when the police officer fails to register F.I.R., the statute empowers the petitioner to lodge a complaint under Section 175 of the BNSS before the learned Chief Judicial Magistrate with a prayer to treat the same as F.I.R. and direct the police authority to register a case against the accused person. The petitioner did not take even such action as contemplated under the statute.

5. Taking into consideration the entire conspectus of this case and the position of law, this Court disposes of the instant writ petition, directing the SHO Taraiya Police Station, District-Saran to make a preliminary enquiry on the issue as to whether the respondents did, on the basis of which the respondents are claiming title over the property is forged or not. If upon enquiry, the SHO Taraiya Police Station finds in favour of the petitioner, he shall lodge FIR against the private



respondents.

6. With the above order, the instant writ petition is disposed of.

(Bibek Chaudhuri, J)

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