

IN THE HIGH COURT OF JUDICATURE AT PATNA
Criminal Writ Jurisdiction Case No.1757 of 2023

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

-
1. Kalyani Devi, wife of Late Bilat Prasad Yadav Village- Nirmala Po- Raza Kharwar Ps- Lakhanour Dist- Madhubani
 2. Rabindra Yadav, son of Late Yog Narayan Yadav Village- Nirmala Po- Raza Kharwar Ps- Lakhanour Dist- Madhubani

... .. Petitioner/s

Versus

1. The State of Bihar through the Director of General of Police, Bihar, Patna Bihar
2. The Director General of Police, Bihar, Patna Bihar
3. The Deputy General of Police, Darbhanga Division, Darbhanga Bihar
4. The Senior Superintendent of Police, Madhubani Bihar
5. The Superintendent of Police, Madhubani Bihar
6. The Dy. Superintendent of Police, Madhubani Bihar
7. SHO Lakhanaur, Madhubani, Bihar

... .. Respondent/s

Appearance :

For the Petitioner/s	:	Mr. Ugranath Mallik, Advocate
For the Respondent/s	:	Mr. M. Nasrul Huda Khan, SC-1
		Ms. Babita Kumari, AC to SC-1

CORAM: HONOURABLE MR. JUSTICE BIBEK CHAUDHURI
ORAL ORDER

- 2 18-02-2025 1. The petitioners *vide* Annexures - 3, 4 and 5 lodged three complaints to the SHO, Lakhanaur, Madhubani, alleging, inter alia, that the named persons with some anti-socials had stolen away huge quantity of building materials from the possession of the petitioners. In spite of lodging three complaints, police did not take any action by instituting F.I.R. against the named accused persons. This prompted the petitioners to file an application before the Superintendent of



Police, Madhubani. It is alleged that the Superintendent of Police, Madhubani is also sitting tight over the matter. The complaint discloses a clear incident of theft, which is a cognizable offence.

The Hon'ble Supreme Court in the case of ***Lalita Kumari v. Government of U.P. & Ors.***, reported in ***(2014) 2 SCC 1*** clearly directed that according to Section 164 of the Code of Criminal Procedure, the Officer Incharge of a Police Station is mandated to register every information, oral or written, relating to the commission of cognizable offence. Non-registration of case is a serious complaint against the police. The National Police Commission in its 4th report lamented that the police evade registering cases for taking up investigation where specific complaints are lodged at the police station.

Thus, in spite of making a complaint which reveals commission of offence under Section 379 of the Indian Penal Code, failure on the part of SHO, Lakhanaur, Madhubani, amounts to violation of the decision of Hon'ble Supreme Court in the case of Lalita Kumari.

In view of such circumstances, the instant writ petition is disposed of directing the Superintendent of Police, Madhubani to make a personal enquiry on the complaint



submitted by the petitioners on 10.08.2023 and if such complaint discloses a cognizable offence, he shall direct the police authority to take steps according to law.

With the aforesaid direction, the instant petition stands disposed of, on contest, however, without costs.

(Bibek Chaudhuri, J)

skm/-

U			
---	--	--	--

