

IN THE HIGH COURT OF JUDICATURE AT PATNA
Criminal Writ Jurisdiction Case No.1924 of 2024

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

Rakesh Roshan Son of Late Anil Kumar R/O- Quarter No. 351, Block- 15,
Type- 2, Jantanagar, PS- Patratu, Distt.- Ramgarh (Jharkhand)
... .. Petitioner

Versus

1. The State of Bihar through the Principal Secretary, Home Deptt. , Govt. of Bihar, Patna Bihar
2. The Principal Secretary, Home Department, Govt. of Bihar, Patna Bihar
3. The Director General of Police, Patna Bihar
4. The Inspector General of Bhagalpur Bihar
5. The District Magistrate, Banka Bihar
6. The Superintendent of Police, Baka Bihar
7. The Sub-Divisional Police Officer, Banka Bihar
8. The S.H.o. Dhoraiya, Police Station Bihar
9. Bijay Kumar Son of Late Ramnarayan Mandal Resident of Village- Chan-dadih, P.S.- Dhoraiya, Distt.- Banka
10. Ashok Kumar Son of Late Ramnarayan Mandal Resident of Village- Chan-dadih, P.S.- Dhoraiya, Distt.- Banka
11. Prakash Kumar Son of Late Ramnarayan Mandal Resident of Village- Chan-dadih, P.S.- Dhoraiya, Distt.- Banka

... .. Respondents

Appearance :

For the Petitioner	:	Mr. Kumar Kamal Nayan, Advocate
For the Respondents	:	Mr. Raghwanand, G.A.-11
		Mr. Sanjay Kumar Tiwari, A.C. to G.A.-11

CORAM: HONOURABLE MR. JUSTICE SANDEEP KUMAR
ORAL ORDER

2 26-06-2025 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 direction and command to the
authority concerned to institute F.I.R. against
the private respondents, in respect of the*



complaint made by the petitioner.

(ii) For direction and command to the respondent authorities to take action upon the application filed by the petitioner on 19.04.2024.

(iii) For direction to the respondent authorities to maintain peace between the parties by restraining the respondents from dispossessing the petitioner from the land in question as the petitioner is the title owner of the said land.

(iv) For direction to the respondents to ensure the protection of life and property of the petitioner and his family from the private respondents.”

3. The Hon’ble Supreme Court in the case of ***Sakiri Vasu vs. State of U.P.***, reported as ***(2008) 2 SCC 409*** had 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)

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