

**IN THE HIGH COURT OF JUDICATURE AT PATNA**  
**Criminal Writ Jurisdiction Case No. 1940 of 2024**

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

Rajeev Ranjan Sinha son of Late Kaushal Kishore Prasad Sinha Resident of Parwati Market 1st floor west Boring Road PS -Budha Colony Town, Dist- Patna

... .. Petitioner/s

Versus

1. The State of Bihar Through the Home Secretary, Bihar, Patna Bihar
2. The Director General of Police, Bihar, Patna Bihar
3. The S.P. (Superintendent of Police), Bihar, Patna Bihar
4. S.H.O. (Town) Aurangabad, Dist- Aurangabad Bihar
5. Kaushal Singh Son of Late Ambika Singh Village- Kunda, PS- Aurangabad (Muffasil), Dist- Aurangabad
6. Gita Devi Wife of Kaushal Singh Village- Kunda, PS- Aurangabad (Muffasil), Dist- Aurangabad
7. Rashmi Singh Daughter of Kaushal Singh Village- Kunda, PS- Aurangabad (Muffasil), Dist- Aurangabad

... .. Respondent/s

**Appearance :**

For the Petitioner/s : Mr. Jitendra Kumar Sagar, Advocate  
For the Respondent/s : Mr. Mahtab Alam, AC to SC 20

**CORAM: HONOURABLE MR. JUSTICE BIBEK CHAUDHURI**  
**ORAL ORDER**

2      18-02-2025                      The petitioner is a proprietor of “Inside Outside Infrass” dealing with the construction business. He entered into an agreement of construction of a house with respondent no. 5 on 9<sup>th</sup> May 2022. 75% of the construction was made by the petitioner. Subsequently, however, the private respondents constantly directed the petitioner to stop the construction, the petitioner spent substantial amount of Rs. 40,000,00/- immediately for construction of the said building but no amount



was paid by the respondents to him. Finding no other alternative, the petitioner lodged a complaint with the SHO, P.S. Nagar Aurangabad, requesting him to register a criminal case against the respondents. The SHO, Nagar Aurangabad P.S. did not take any action on the said complaint filed by the petitioner. Subsequently, the petitioner made a complaint on 20<sup>th</sup> June 2024 to the Superintendent of Police, Aurangabad, and subsequently, on 3<sup>rd</sup> July 2024, to the Director General of Police who marked the said application to the Inspector General, Gaya for taking necessary action on the complaint filed by the petitioner. In spite of the efforts being made by the petitioner, no case has been registered against the private respondents.

2. So is the instant writ petition, praying for issuance of a writ of mandamus directing the police authority to register the FIR upon complaint filed by the petitioner.

3. It is needless to say that on receipt of a complaint disclosing a cognizable offence, police are under a statutory obligation to register an FIR against the accused persons. However, if no FIR is registered, the petitioner has an alternative remedy by filing an application under Section 156(3) of the CrPC before the learned Chief Judicial Magistrate requesting him to direct the concerned police station to see the



same as an FIR and to start an investigation of the case. The petitioner did not take such remedy.

4. Moreover, the allegation against the respondents is that the respondents did not pay the sum of Rs. 40,000,00/- (Forty Lakhs) even the petitioner rendered service to them. The nature of the allegation reveals that the petitioner is also entitled to take appropriate action under the Consumer Protection Act against the respondents. He also can take action in the civil court for violation of terms of the agreement by the respondents.

5. In view of the existence of an alternative remedy, this Court is not inclined to pass any order in the instant writ petition. The instant writ petition, being devoid of any merit, is dismissed on contest.

**(Bibek Chaudhuri, J)**

Suraj Dubey/-

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