

IN THE HIGH COURT OF JUDICATURE AT PATNA
Criminal Writ Jurisdiction Case No.1625 of 2022

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

MD. KUDUS DARJI Son of Late Md. Hanif @ KARI DARJI Resident of village and P.O.- Ujan, P.S.- Saketpur, District - Darbhanga

... .. Petitioner/s

Versus

1. The State of Bihar through Principal Secretary, Home Police Department, Bihar, Patna Bihar
2. The Director General of Police Cum Inspector General of Police, Patna Bihar
3. The Divisional Commissioner, Darbhanga Division Darbhanga Bihar
4. The Deputy Inspector General of Police, Darbhanga. Bihar
5. The District Magistrate, Darbhanga Bihar
6. The Senior Superintendent of Police, Darbhanga Bihar
7. The Additional Collector, Darbhanga Bihar
8. The Sub-Divisional Officer, Sadar Darbhanga Bihar
9. The Deputy Superintendent of Police Benipur, District - Darbhanga Bihar
10. The Inspector of Police, Bahera Circle Darbhanga Bihar
11. The Officer Incharge, Saketpur, District Darbhanga Bihar
12. Jakir Hussain Son of Late Md. Hanif Resident of village and P.O.- Ujan, P.S.- Sakatpur, District - Darbhanga
13. Tanweer Hussain @ Tannu Son of Jakir Hussain Resident of village and P.O.- Ujan, P.S.- Sakatpur, District - Darbhanga

... .. Respondent/s

Appearance :

For the Petitioner/s	:	Mr.Ratanakar Jha
For the Respondent/s	:	Mr.Prabhat Kumar Verma, AAG 3 Mr. Suman Kumar Jha, AC to AAG 3

CORAM: HONOURABLE MR. JUSTICE SANDEEP KUMAR
ORAL ORDER

2 24-07-2025 Heard learned counsel for the petitioner and learned counsel for the State.

2. The present application has been filed for the following reliefs:-



(I) To issue an appropriate order/s, direction/s including a writ preferably in the nature of mandamus commanding and directing upon the respondents to lodge the First information Report against the private respondents under the Relevant sections of Indian Penal Code along with Arms Act in view of the application dt 09-09-2020 made to the Officer Incharge of Sakatpur police station by the petitioner with regard to alleged occurrence assaulting the petitioner and threatening firing upon and open the petitioner by the private respondents.

(ii) To direct the respondents to protect the life and liberty of the petitioner which is at stake of the behest of 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*** 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 Dhange 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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