

IN THE HIGH COURT OF JUDICATURE AT PATNA
Criminal Writ Jurisdiction Case No.2518 of 2024

Arising Out of PS. Case No.-284 Year-2024 Thana- PIPRAKOTHI District- East Champaran

Mehilal Rai @ Mehilal Prasad Ray Son of Late Fatinga Ray Resident of
Village - Harpur, P.S. - Pipra Kothi, District - East Champaran (Bihar)

... .. Petitioner/s

Versus

1. The State of Bihar through the Principal Secretary, Home Department, Govt. of Bihar, at Patna Bihar
2. The Director General of Police, Bihar at Patna Bihar
3. The Deputy Inspector General of Police, Tirhut Divisions, Muzaffarpur Bihar
4. The Superintendent of Police, East Champaran at Motihari Bihar
5. The Officer-in-Charge of Pipra Kothi, District - Motihari Bihar

... .. Respondent/s

Appearance :

For the Petitioner/s	:	Mr. Shailesh Kumar Yadav
For the Respondent/s	:	Mr. Manoj Kumar Ambastha, S.C.26
		Mr. Santosh Kumar Mishra, AC to SC 26
		Mr. Divit Vinod, AC to SC 26

CORAM: HONOURABLE MR. JUSTICE SANDEEP KUMAR
ORAL ORDER

2 19-06-2025 Heard the parties.

2. This application has been filed on behalf of the petitioner seeking a direction upon the Superintendent of Police, East Champaran to take necessary legal action against the named accused persons of Pipra Kothi P.S. Case No. 284 of 2024 and for a direction against the respondent authorities to properly investigate Pipra Kothi P.S. Case No. 284 of 2024.

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



discouraged the practice of approaching the High Court to ensure proper investigation. 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 also 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 investigation is not done properly by the police officials or the same is not done 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 proper investigation.

7. Accordingly, this application is disposed of with the aforesaid liberty to the petitioner.

(Sandeep Kumar, J)

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