

IN THE HIGH COURT OF JUDICATURE AT PATNA
Criminal Writ Jurisdiction Case No.6 of 2025

Arising Out of PS. Case No.-539 Year-2024 Thana- SHASTRINAGAR District- Patna

Arun Kumar S/O Late Ram Lakhan Sharma Resident of house named Sai Kripa situated in Mohalla and P.S.- Shri Krishnapuri, Jay Prakash Path (Boring Road), Patna-800001

... .. Petitioner/s

Versus

1. The State of Bihar
2. The Director General of Police, Bihar, Sardar Patel Bhawan, Jawaharlal Nehru Marg, Patna-800023. Bihar
3. The Inspector General of Police, Central Range, Police Office, Patna-800001. Bihar
4. The Senior Superintendent of Police, Patna-800001 Bihar
5. The City Superintendent of Police, Central, Patna-800001. Bihar
6. The Sub-Divisional Police Officer, Sachivalya-2 Sheikhpura More, Jawaharlal Nehru Marg Patna-800014, Bihar
7. The Sub-Divisional Police Officer, Town-2, Gandhi Maidan Police Station Campus, Patna-800001. Bihar
8. The Station House Officer, Shastrinagar Police Station, Patna-800023. Bihar
9. The Station House Officer, Gandhi Maidan Police Station, Patna-800001. Bihar
10. Shri Ajeet Kumar Singh Assistant Sub-Inspector of Police, Shastrinagar Police Station, Patna-800023.
11. Shri Kamre Alam Khan Sub-Inspector of Police, Gandhi Maidan Police Station, Patna-800001

... .. Respondent/s

Appearance :

For the Petitioner/s : Mr. Arvind Kumar, Advocate
For the Respondent/s : Mr. A.A.G.5

CORAM: HONOURABLE MR. JUSTICE SANDEEP KUMAR
ORAL ORDER

2 26-06-2025 Heard learned counsel for the parties.

2. This application has been filed for issuance of writ of mandamus or any other appropriate writ/order/direction commanding Respondents to investigate Shastrinagar P.S. Case



No. 539 of 2024 analogously with Gandhi Maidan P.S. Case No. 449 of 2023 and to complete the same as per time frame fixed by rule 173(c)(i) of Bihar Police Manual, 1978, hereinafter referred to as "Police Manual".

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 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)

anand/-

U		T	
---	--	---	--

