

IN THE HIGH COURT OF JUDICATURE AT PATNA
Criminal Writ Jurisdiction Case No.100 of 2024

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

KAMLESH PASWAN S/O MOSAFIR PASWAN R/O VILLAGE-
KHARTARI, P.S- CHIRAI, DISTT.- EAST CHAMPARAN.

... .. Petitioner/s

Versus

1. THE STATE OF BIHAR BIHAR
2. THE DIRECTOR GENERAL OF POLICE, BIHAR, PATNA. BIHAR
3. THE SUPERINTENDENT OF POLICE, MOTIHARI, DISTT.- EAST
CHAMAPRAN BIHAR
4. THE SUB-DIVISIONAL POLICE OFFICER, MOTIHARI SADAR,
DISTT.- EAST CHAMPARAN. BIHAR
5. THE OFFICER-INCHARGE OF SC/ST POLICE STATION, MOTIHARI,
DISTT.- EAST CHAMPARAN. BIHAR

... .. Respondent/s

Appearance :

For the Petitioner/s : Mr.Dhurendra Kumar
For the Respondent/s : Mr.S.C. 18

CORAM: HONOURABLE MR. JUSTICE SANDEEP KUMAR
ORAL ORDER

2 01-07-2025 Heard learned counsel for the petitioner and learned
counsel for the State.

2. The present application has been filed seeking a
direction upon the concerned authorities for lodging the FIR
against the accused persons.

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)

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