IN THE HIGH COURT OF JHARKHAND AT RANCHI
W.P.(Cr.) No.426 of 2026
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1. Rajendra Prasad Kushwaha
2. Basant Prasad
3. Upendra Prasad --- Petitioners

Versus

1. The State of Jharkhand through Chief Secretary, Government of Jharkhand, Ranchi.
2. The Home Secretary, Government of Jharkhand, Ranchi.
3. The Director General of Police, Jharkhand, Ranchi.
4. The Deputy Commissioner, Hazaribagh.
5. The Superintendent of Police, Hazaribagh.
6. Deputy Superintendent of Police, Barhi, Distt. Hazaribagh.
7. Circle Officer, Barhi, Distt. Hazaribagh.
8. Officer-in-charge, Barhi, Distt. Hazaribagh. --- --- Respondents

CORAM: HON'BLE MR. JUSTICE RONGON MUKHOPADHYAY

For the Petitioners : Mr. Shekhar Prasad Gupta, Adv.
For the State : None

02/06.11.2026 Heard Mr. Shekhar Prasad Gupta, learned counsel for the petitioners. None appears on behalf of the State.

In this writ application the petitioners have prayed for a direction upon the respondents to provide protection to the petitioners for construction of boundary wall as well as house over the land of the petitioners appertaining to Thana No.141, Khata No.122, Plot No.1497 measuring 14 decimals of land situated at village Kariyatpur, Circle Barhi, District Hazaribagh. The petitioners have also prayed for a direction upon the respondents to institute an FIR pursuant to the Sanha lodged by the petitioners.

In the context of the prayers made in this writ application, reference is made to the case of ***"Sakiri Vasu Vs. State of U.P. & others"*** reported in *(2008) 2 SCC 409*, the relevant part of which reads as follows:

> "***26***. *If a person has a grievance that his FIR has not been registered by the police his first remedy is to approach the Superintendent of Police under Section 154(3) Cr.P.C. or other police officer referred to in Section 36 Cr.P.C. If despite approaching the Superintendent of Police or the officer*

referred to in Section 36 his grievance still persists, then he can approach a Magistrate under Section 156(3) Cr.P.C. instead of rushing to the High Court by way of a writ petition or a petition under Section 482 Cr.P.C. Moreover, he has a further remedy of filing a criminal complaint under Section 200 Cr.P.C. Why then should writ petitions or Section 482 petitions be entertained when there are so many alternative remedies?

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 Cr.P.C. 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 police officers concerned, and if that is of no avail, under Section 156(3) Cr.P.C. before the Magistrate or by filing a criminal complaint under Section 200 Cr.P.C. and not by filing a writ petition or a petition under Section 482 Cr.P.C."*

In view of the alternative remedy available to the petitioners as indicated in the aforesaid judgment, this writ application stands disposed of with a liberty to the petitioners to avail of the said remedy.

(Rongon Mukhopadhyay, J.)

Shamim/-
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