

HONOURABLE SRI JUSTICE CHEEKATI MANAVENDRANATH ROY**Writ Petition No.5663 of 2021****ORDER:**

The grievance of the petitioners in this writ petition is that the report lodged by them before the police is not registered as F.I.R. and the same is not investigated.

2. Heard learned counsel for the petitioners and the learned Assistant Government Pleader for Home appearing for official respondents 1 to 4.

3. The legal position in this regard is no more *res integra* and the same has been well settled as per the authoritative pronouncements of the Apex Court as well as this High Court. Now it is well settled law that when police failed to register the F.I.R. based on the report lodged by any individual disclosing commission of a cognizable offence, his remedy is not by way of filing a writ petition under Article 226 of the Constitution of India, but he has to exhaust the other remedies which are available to him under Section 154(3), 156(3) and Section 190 r/w.Sec.200 of Cr.P.C.

4. Considering the earlier judgments of the Apex Court rendered on the same issue, this Court in a batch of writ petitions, disposed of on 30.07.2020 in W.P.No.8384 of 2020 and batch, held that when police failed to register F.I.R. based on the report lodged with them, which discloses commission of a cognizable offence, the remedy of the aggrieved person is

not by way of a writ under Article 226 of the Constitution of India, but only by way of exhausting the other remedies contemplated under Cr.P.C. i.e. under Section 154(3), 156(3) and Section 190 r/w.Sec.200 of Cr.P.C. and held that the writ petition seeking such direction to the police to register the F.I.R. is not maintainable. In the aforesaid judgment, this Court has also clearly explained the distinction between the ratio laid down in **Lalitha Kumari v. State of Uttar Pradesh**¹ and clearly held that the writ petition is not maintainable.

5. Therefore, this writ petition is dismissed as not maintainable. No costs.

The miscellaneous petitions pending, if any, shall also stand closed.

JUSTICE CHEEKATI MANAVENDRANATH ROY

Date:16.03.2021.

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¹ (2014) 2 SCC 1