

IN THE HIGH COURT OF ORISSA AT CUTTACK

CRLMP No.885 of 2021

Bharat Chandra Behera

.... ***Petitioner***
Mr.P.K.Rout, Advocate

-versus-

State of Odisha and others

.... ***Opp. Parties***
Mr. P.C.Das, A.S.C.

CORAM:

JUSTICE A.K. MOHAPATRA

ORDER
18.01.2022

Order No.

4.
 1. This matter is taken up through Video Conferencing mode.
 2. The Petitioner has filed the present CRLMP being aggrieved by the inaction of the local police.
 3. It is submitted that despite his complaint, the Police is not taking up the investigation. Accordingly, he has informed the matter to the Superintendent of Police (Rural), Cuttack by filing a grievance petition dated 30th April, 2021, which was sent to him by registered post. It is further submitted that the grievance petition submitted before Opposite Party No.2 is pending as of now. It is also his submission that in view of the observation of the Hon'ble Supreme Court of India made in the decision rendered in the case of **Lalita Kumari-vrs.-Govt. of U.P.** the registration of F.I.R. is mandatory under Section 154 of the Code of Criminal Procedure, if the information discloses commission of a cognizable offence, then the F.I.R. is to be registered mandatorily.
 4. Mr.P.C.Das, learned Additional Standing Counsel appearing

for the State submits that the dispute involved in the present case is basically civil in nature.

5. Having heard learned counsel for the parties, this matter is being disposed of at the stage of admission with the direction to Opposite Party No.2 to dispose of the grievance petition of the Petitioner dated 30th April, 2021, which was sent to him by registered post within a period of four weeks from the date of production of an authenticated copy of this order. The Opposite Party No.2 shall do well to consider the complaint of the Petitioner in the light of the ratio laid down by the Hon'ble Supreme Court of India in the matter of **Lalita Kumari-vrs.-Govt. of U.P.** reported in (2014) 2 SCC – 1. It is needless to say that the Opposite Party No.2, after a careful examination of the complaint, comes to a conclusion that the complaint reveals a cognizable offence, then he shall direct the concerned Police Station to register the F.I.R., as directed in Paragraph 120.1 of the judgment in **Lalita Kumari's** case (supra). The entire exercise shall be completed within a period of two months from the date of production of an authenticated copy of this order.

7. With the aforesaid observation, the CRLMP is disposed of.

8. As the restrictions due to resurgence of COVID -19 situation are continuing, learned counsel for the parties may utilize a print out of the order available in the High Court's website, at par with certified copy, subject to attestation by the concerned Advocate, in the manner prescribed vide Court's Notice No.4587, dated 25th March, 2020, modified by Court's Notice No.4798, dated 15th April, 2021, and Court's Office Order circulated vide Memo Nos.514 and 515 dated 7th January, 2022.

