

IN THE HIGH COURT OF ORISSA AT CUTTACK

CRLMP No.2145 of 2022

Kalandi Prasad Bhuyan Petitioner

Mr. B. Tripathy, Advocate.

-versus-

State of Odisha & others Opp. Parties

Mr. D. Mund,
Additional Government Advocate..

CORAM:
DR. JUSTICE S.K. PANIGRAHI

ORDER

23.11.2022

Order No.

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1. This matter is taken up through Hybrid Arrangement.
2. Heard learned counsel for the petitioner and learned counsel for the State.
3. The petitioner, in this CRLMP, challenges the inaction of the IIC, Kendrapara for not registering the F.I.R. He further submits that the petitioner had given the complaint before the I.I.C., Kendrapara on 07.08.2022, however, no F.I.R. has been registered.
4. A Constitution Bench of the Supreme Court in W.P.(Crl.) No.68 of 2008 in *Lalita Kumari v. Government of U.P. and others*¹ decided on 12.11.2013 had addressed the issue of mandatory registration of F.I.Rs. and had held that

¹ AIR 2014 SC 187

registration of F.I.R. either on the basis of the information furnished by the informant when it makes out a cognizable offence under Section 154(1) of the Cr.P.C. or otherwise under Section 157(1) of the Cr.P.C. is obligatory. It also held that reliability, genuineness and credibility of the information are not conditions precedent for registering a case under Section 154 of the Cr.P.C. Since the legislative intent is to ensure that every cognizable offence is promptly investigated in accordance with law, hence, there is no discretion or option left with the police to register or not to register an F.I.R. once information of a cognizable offence has been provided. The court is quite perturbed about the burking of crime registration and has concluded that non-registration of crime leads to dilution of rule of law and thus leads to a definite lawlessness in the society. It may be mentioned that Section 166A of the Cr.P.C. prescribes a penalty of imprisonment upto two years and also fine for non-registration of a F.I.R. for an offence described under Section 166A of the Cr.P.C. It may be also mentioned that if after investigation the information given is found to be false, there is always an option to prosecute the complainant for filing a false F.I.R. under Chapter XI of the I.P.C.

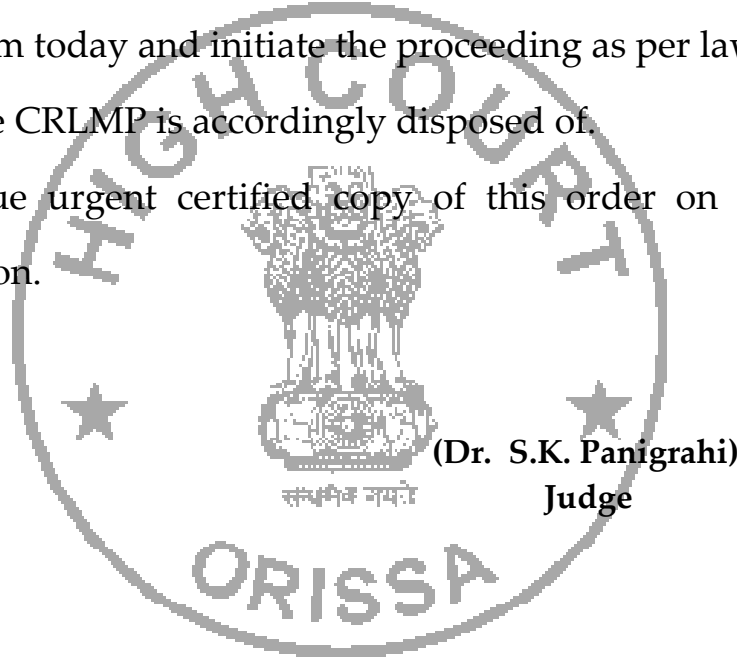
5. In the present case, learned counsel for the petitioner stated that the petitioner has approached the police station but the police has not accepted the F.I.R., which is

mandatory under law. He further submits that the petitioner has also approached the Superintendent of Police, Kendrapara for registration of the F.I.R. by way of filing a grievance petition on 12.10.2022 which is still pending and no step has yet been taken by the said Police Officer.

6. In such view of the matter, this Court directs the petitioner to appear before the IIC, Kendrapara Police Station along with a certified copy of this order and the IIC is also directed to register the F.I.R. within a period of one week from today and initiate the proceeding as per law.

7. The CRLMP is accordingly disposed of.

8. Issue urgent certified copy of this order on proper application.



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