

IN THE HIGH COURT OF ORISSA AT CUTTACK
CRLMP No.2262 of 2022

Gayasuddin Khan

....

Petitioner

Mr. Alok Kumar Mohapatra, Adv.

-versus-

State of Odisha & Ors.

....

Opposite Parties

Mr. S.N. Das, ASC

CORAM:

DR. JUSTICE S.K. PANIGRAHI

Order
No.

ORDER
25.11.2022

1. This matter is taken up through hybrid arrangement.
2. Heard learned counsel for the Petitioner and the learned counsel for the State.
3. According to learned counsel for the Petitioner, the grievance of the Petitioner in this case is that the Petitioner had filed a complaint on 18.07.2022 under Annexure-2 before the Opposite Party No.4/ I.I.C., Jagatpur Police Station, Jagatpur, District- Cuttack for registration. Owing to the fact that no action was taken by the said Opposite Party, the Petitioner then filed a grievance petition before the Opposite Party No.3/ Deputy Commissioner of Police, Cuttack under Annexure-3 series. However, the F.I.R. has not been

registered till date. Being aggrieved, the Petitioner has filed this petition seeking necessary direction to the Opposite Party No.4/ I.I.C., Jagatpur Police Station, Jagatpur, District- Cuttack to take a decision on the above noted complaint within a specific time period.

4. It has been well established by the Supreme Court in the case of *Lalita Kumari -vrs.- Govt. of U.P. & Others*¹ that a police officer is bound to register a First Information Report (FIR) upon receiving any information relating to commission of a cognizable offence under Section 154 of the Code of Criminal Procedure, 1973.

5. Additionally, the Supreme Court has held in *Sakiri Vasu v. State of U.P.*², that if a person has a grievance that his FIR has not been registered by the police, or having been registered, proper investigation is not being done, then the remedy of the aggrieved person is not to go to the High Court under Article 226 of the Constitution of India, but to approach the Magistrate concerned under Section 156(3) Cr.P.C. Therefore, it is pertinent to be clarified that the jurisdiction of the High Court cannot be invoked for registration of FIR in cases where an effective remedy lies under the Code of

¹AIR 2014 SC 187

²(2008) 2 SCC 409

Criminal Procedure. But in the present case, since a substantial time has been wasted because of the inaction of the police in registering the F.I.R., it is trite to consider and intervene this case.

6. Considering the submissions made, cases cited hereinabove and without expressing any opinion on the merits of the case, this Court directs the Opposite Party No.4/ I.I.C., Jagatpur Police Station, Jagatpur, District-Cuttack to take a decision on the complaint as per law within a period of four weeks from the date of production of a certified copy of this order, if in the meantime, the same has not been disposed of. Non-compliance of this order shall make the concerned officer liable of committing an offence under Section 166 of I.P.C. and also contempt of the order of the High Court.

7. Accordingly, this CRLMP is disposed of.

8. Urgent certified copy of this order be granted on proper application.

(*Dr. S.K. Panigrahi*)
Judge

B.Jhankar