

IN THE HIGH COURT OF ORISSA AT CUTTACK
CRLMP No.2435 of 2022

Manoj Kumar Nayak

....

Petitioner

Mr.Reshma Behera, Adv.

-versus-

State of Odisha & Ors.

....

Opposite Parties

Mr.C.S.Mishra,AGA

CORAM:

DR. JUSTICE S.K. PANIGRAHI

Order
No.

ORDER
19.12.2022

01. 1. This matter is taken up through hybrid arrangement.
2. Heard learned counsel for the petitioner and 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 petition on 24.11.2022 under Annexure-2 before the Officer-In-Charge, Nayapalli, UPD, Bhubaneswar for registration. However, till date the F.I.R. has not been registered. On being aggrieved, the petitioner filed this petition seeking necessary direction be given to the Officer-In-Charge, Nayapalli, UPD, Bhubaneswar 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 v. 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) CrPC. 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 Criminal Procedure. But in the resented, 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.

¹AIR 2014 SC 187

²(2008) 2 SCC 409

6. Considering the submissions made, cases cited hereinabove and without expressing any opinion on the merits of the case, this Court directs the Officer-In-Charge, Nayapalli, UPD, Bhubaneswar to take a decision on the complaint in accordance with law within a period of four weeks from the date of production of 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 for committing an offence under 166 of IPC and also contempt of the order of the High Court.

7. Accordingly, the CRLMP is disposed of.

8. Issue urgent certified copy of the order as per Rules.

(Dr. S.K. Panigrahi)
Judge