

IN THE HIGH COURT OF ORISSA AT CUTTACK

CRLMP No.2442 of 2022

Arpita Mohapatra

....

Petitioner

Mr. A.K. Das, Advocate.

-versus-

State of Odisha & others

....

Opp. Parties

Mr. D. Mund,
Additional Government Advocate.

CORAM:
DR. JUSTICE S.K. PANIGRAHI

ORDER

19.12.2022

Order No.

1. This matter is taken up through Hybrid Arrangement.
2. Heard learned counsel for the petitioner and learned Additional Government Advocate for the State.
3. The petitioner in this CRLMP seeks a direction from this Court to the opposite parties especially, opposite party nos.2 & 3 to register the complaint dated 21.10.2022 filed by the petitioner as F.I.R. and take up investigation impartially by any investigating officer and take immediate steps in apprehending the culprits as per law.
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

¹AIR 2014 SC 187

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 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 in 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.1/I.I.C., Cuttack Sadar Police Station to take a decision on the above noted complaint as per law within a period of two weeks from the date of presentation of a certified copy of this order, if in the meantime, the same has not been

²(2008) 2 SCC 409

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

(Dr. S.K. Panigrahi)
Judge



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