IN THE HIGH COURT OF ORISSA AT CUTTACK

CRLMP No. 1299 of 2026
CNR No. ODHC010597432026

Manas Kumar Rout …. ***Petitioner(s)***
Mr. B. Sahoo, Advocate

-versus-

State of Odisha and others …. ***Opp. Party(s)***

Mr. U.R. Jena, AGA

CORAM:

THE HON'BLE MR. JUSTICE SIBO SANKAR MISHRA

ORDER
10.11.2026

Order No.

02. 1. When the matter was taken up on 17.09.2026, learned counsel for the petitioner sought adjournment. Even today, the proxy counsel appearing for the petitioner is seeking adjournment.

2. The petitioner is aggrieved by non-registration of the F.I.R. based on the complaint lodged by him on 25.07.2026. Subsequently, he has also made a complaint to the Superintendent of Police, Nayagarh on 01.08.2026. The allegation made in the complaint is as under:-

> *"The petitioner being an informant lodged an F.I.R. through speed post before the opp. party no. 3 on*

25.07.2026. The petitioner alleged that some persons lodged false allegations against the present petitioner and theft his personal photo from his mobile phone and created false and fabricated documents by using AI technology. Thereafter the said edited documents made viral by three persons namely Rajat Kumar Pattnayak, Anil Kumar Panda and Sambit Lenka. After that on 24.07.2026 instigating by Jyotiranjan Samantaray, one Manoj and two others threatened the present petitioner onhis way to return his home and demanded two lakhs on point of gun and threatened him with dire consequences."

3**.** The Hon'ble Supreme Court in ***Sudhir Bhaskarrao Tambe v. Hemant Yashwant Dhage***, reported in **(2016) 6 SCC 277**, has held that where the police fail to register an F.I.R. or do not conduct a proper investigation, the aggrieved person should ordinarily resort to the statutory remedies under Sections 156(3) and 200 of the Cr.P.C., instead of directly invoking the extraordinary jurisdiction of the High Court. It was held thus:-

"3. We are of the opinion that if the High Courts entertain such writ petitions, then they will be flooded with such writ petitions and will not be able to do any other work except dealing with such writ petitions. Hence, we have held that the complainant must avail of his alternate remedy to approach the Magistrate concerned under Section 156(3) CrPC and if he does so, the Magistrate will ensure, if prima facie he is satisfied, registration of the first information report and also ensure a proper investigation in the matter, and he can also monitor the investigation."

4. Since an efficacious alternative remedy by way of filing a complaint under Section 200 of the Cr.P.C. (corresponding to Section 223 of the B.N.S.S.) or seeking an appropriate remedy under Section 156(3) of the Cr.P.C. (corresponding to Section 175(3) of the B.N.S.S.) is available to the petitioner, he is at liberty to avail himself of the remedies under the law.

5. However, it is open for the IIC, Itamati Police Station-opposite party no.3 to conduct a preliminary enquiry into the matter and take necessary action in accordance with law, if it is so desirable.

6. With this observation, the CRLMP is disposed of.

Ashok

(S.S. Mishra)
Judge

Signature Not Verified
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Signed by: ASHOK KUMAR JAGADEB MOHAPATRA
Reason: Authentication
Location: High Court of Orissa
Date: 15-Nov-2026 17:23:16