IN THE HIGH COURT OF ORISSA AT CUTTACK
CRLMP No.1584 of 2026
CNR No. ODHC010688752026

Bapu Dash **.....** ***Petitioner***

Represented by Adv. - Giridhari Singh

-versus-

State Of Odisha & Others **.....** ***Opposite Parties***

Represented by Adv. – A.K. Apat, AGA

CORAM:
THE HON'BLE MR. JUSTICE SIBO SANKAR MISHRA

ORDER

Order No. **27.10.2026**

01. 1. Heard.

2. The petitioner is aggrieved by the non-registration of F.I.R based on the complaint lodged by him on 11.05.2026. Subsequently, the mother of the petitioner has also made a complaint to the D.C.P., Bhubaneswar on 03.06.2026. The allegation made in the complaint is as under:-

> "*On 10.05.2026, at about 9:00 P.M., while I was proceeding to the house of my uncle for the purpose of bringing my mother back from her father's house, my uncle, namely, Aumbal Dash, along with Bijoy Dash and Malaya Dash, suddenly abused me in filthy language without any provocation. At that time, Ambar Das pushed me forcefully on my chest, as a result of which I fell down on the ground. Thereafter, Bijoy Dash and Malaya Dash assaulted me severely with*

lathis. Malaya Dash also assaulted me with a log, causing bodily injuries to me.

Immediately after the incident, I telephoned Jatni Police Station, pursuant to which police personnel arrived at the spot. On 11.05.2026, at about 10:00 A.M., I went to the hospital/medical facility, where I received an injection and medicines in the form of tablets for the injuries sustained by me. Thereafter, I submitted a written report before the Inspector-in-Charge (I.I.C.) of Jatni Police Station against the aforesaid accused persons, requesting necessary legal action against them in accordance with law."

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 Deputy Commissioner of Police, Bhubaneswar-opposite party No.2 to conduct a preliminary enquiry into the matter and take necessary action in accordance with law, if it's so desirable.

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

(S.S. Mishra)
Judge

Rati/Subhasish

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