IN THE HIGH COURT OF ORISSA AT CUTTACK
CRLMP No.1605 of 2026
CNR No. ODHC010693362026

Jyoti Gupta **.....** ***Petitioner***

Represented by Adv. -
Byomakesh Tripathy

-versus-

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

Represented by Adv. -

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 her on 09.07.2026. Subsequently, she has also made a complaint to the Superintendent of Police, Sundargarh on 27.08.2026. The allegation made in the complaint is as under:-

> "*The petitioner and her husband, Papu Gupta, have two sons, aged about 25 and 20 years, respectively. She came to know that her husband had allegedly developed an improper relationship with Mina Lohar, aged about 36 years, daughter of Hopal Lohar, of At/PO/PS-Badabil, District-Sundargarh. On being approached by the informant, Mina Lohar allegedly continued to threaten and blackmail her husband by using their intimate photographs and videos and threatening to implicate him in false criminal cases. On 09.07.2026, at about 7:00 A.M., Mina Lohar allegedly came to the informant's house, demanded ₹15,00,000/- towards her maintenance*

and threatened to lodge a rape case against her husband if the amount was not paid. She also allegedly abused and humiliated the informant by making derogatory caste-based remarks and threatened to get the informant and her children killed if her demand was not fulfilled. The informant further alleged that her photographs were uploaded and circulated on Facebook to defame and humiliate her. Apprehending danger to her life and the safety of her family, the petitioner sought necessary legal action against the accused person 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, she is at liberty to avail herself of the remedies under the law.

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

(S.S. Mishra)
Judge

Rati/Subhasish

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