IN THE HIGH COURT OF ORISSA AT CUTTACK
CRLMP No.1589 of 2026
CNR No. ODHC010696802026

Victim **.....** ***Petitioner***
Represented by Adv. -
Byomakesh Tripathy

-versus-

State Of Odisha & another **.....** ***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 09.08.2026. Subsequently, she has also made a complaint to the Superintendent of Police, Nayagarh on 22.08.2026. The allegation made in the complaint is as under:-

> "*The petitioner had developed a cordial relationship with Dwijibar Lenka. In course of time, Dwijibar Lenka represented to her that keeping money in a bank would not yield sufficient interest and suggested that they could lend money to persons in rural areas on interest to earn additional income. As the informant was receiving a meagre salary, she was persuaded by his representation and agreed to the said arrangement. Accordingly, money collected from different persons was advanced on interest, and the informant, on several occasions, transferred and paid money through bank accounts as well as in cash. In the course of their dealings, their relationship*

became closer. Subsequently, Dwijibar Lenka started behaving inappropriately towards the informant and, on one occasion, deliberately touched her body in an improper manner. Initially, the informant presumed that the contact might have been accidental and, owing to embarrassment and fear of social stigma, remained silent. A few days thereafter, Dwijibar Lenka allegedly used sexually suggestive and double-meaning words towards her. Feeling uncomfortable, the informant maintained distance from him but did not disclose the matter to anyone due to fear of social humiliation. Thereafter, Dwijibar Lenka telephoned the informant and called her to his residence on the pretext of settling and reconciling the accounts relating to their financial transactions. Accordingly, on 07.06.2026, at about 9:00 A.M., the informant went to his residence and handed over the relevant accounts and documents concerning their financial dealings. Thereafter, taking advantage of her being alone, Dwijibar Lenka allegedly caught hold of her, embraced her against her will and touched her inappropriately. He also allegedly told her that he did not want to sever his relationship with her and that, if she maintained an improper relationship with him, he would provide her with money. Feeling apprehensive and vulnerable, the informant left his residence without further confrontation. Dwijibar Lenka allegedly retained a recording of the conversation that had taken place between them at his residence. Due to fear of social stigma and humiliation, the informant did not disclose the incident immediately and gradually distanced herself from Dwijibar Lenka. Subsequently, she disclosed the entire matter to her husband, who advised her to resign from her employment. Accordingly, she resigned from her job on 22.07.2026. Thereafter, Dwijibar Lenka, allegedly being enraged by the informant's conduct, came to her village along with Jitan Kumar Parida and publicly made defamatory allegations against her, stating that she had an improper relationship with him and had been taking money from him. Such allegations caused serious misunderstanding and discord between the informant and her husband. Owing to the defamatory

allegations and the consequent humiliation faced by her husband in his village and locality, her husband asked her to leave the matrimonial home in an effort to preserve the family's reputation and dignity. Consequently, the informant was compelled to leave her matrimonial home. The informant further alleged that Ditun Kumar Parida, a relative of Dwijibar Lenka, had been repeatedly telephoning her, abusing her in filthy and obscene language and threatening that, if he came across her, he would throw acid upon her and burn her. The informant apprehended that the aforesaid persons might cause serious harm to her life and physical safety. Thus, the informant alleged that, owing to the acts and conduct of Dwijibar Lenka and his associates, she had been subjected to harassment, humiliation and mental agony and had been compelled to leave her matrimonial home. Apprehending further harassment, assault and harm at their hands, the informant expressed a genuine apprehension for her safety and security. She further stated that, in the event of any unnatural or untoward incident occurring to her, Dwijibar Lenka and Ditun Kumar Parida should be held responsible. Accordingly, she sought necessary legal action against the aforesaid persons and appropriate protection for her life and personal safety."

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. However, it is open for the Superintendent of Police, Nayagarh-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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Reason: Authentication
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