IN THE HIGH COURT OF ORISSA AT CUTTACK

CRLMP No.1591 of 2026
CNR No. ODHC010732422026

Pankajini Naik .... ***Petitioner(s)***

Mr. Bijaya Kumar Behera, Advocate

-versus-

State of Odisha and others .... ***Opposite Party (s)***

Mr. Jateswar Nayak, AGA

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

ORDER

Order No. **27.10.2026**

01. **1.** The petitioner is aggrieved by non-registration of the F.I.R. based on the complaint lodged by her on 13.07.2026. Subsequently, she has also made a complaint to the Superintendent of Police, Angul on 10.08.2026. The allegation made in the complaint is as under:-

> "The informant lodged a written report alleging that Pradeep Naik, her relative, taking advantage of the trust and confidence reposed in him, assured her during 2023–2025 that he would mutate her name in the Record-of-Rights (ROR) in respect of properties left by her deceased father, Bansidhar Naik. Believing his assurances, she paid him a total sum of Rs.4,70,000/- for properties situated at Mouza-Jamunali, Badajharan, Ghunchapal and Alekh

Mahinia. After receiving the money, he provided four RORs, which, upon verification, were found to be forged and fabricated. When confronted, he avoided giving a proper explanation and threatened the informant with dire consequences and death if she disclosed the matter to anyone. Hence, the informant requested necessary legal action against the accused."

2. 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."*

3. 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. However, it is open for the Superintendent of Police of the concerned district to conduct a preliminary enquiry into the matter and take necessary action in accordance with law, if it's so desirable.

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

(S.S. Mishra)
Judge

Subhasis/Rati

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Reason: Authentication
Location: High Court of Orissa, Cuttack.
Date: 27-Oct-2026 19:44:57