IN THE HIGH COURT OF ORISSA AT CUTTACK

CRLMP No.1601 of 2026
CNR No. ODHC010741132026

Rashmita Sahoo .... ***Petitioner(s)***

Mr. Byomakesh Tripathy, Advocate

-versus-

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

Mr. S.J. Mohanty, ASC

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 16.08.2026. Subsequently, she has also made a complaint to the Superintendent of Police, Jajpur on 08.09.2026. The allegation made in the complaint is as under:-

> "The informant alleged that while working in a private company outside Odisha, she had entrusted Rs.1,47,000/-, one gold chain weighing about 13 grams and one gold necklace weighing about 22 grams to her sister, who assured her that the same would be returned at the time of her marriage. However, when the informant demanded return of her money and gold ornaments, her sister and other concerned persons avoided her and denied knowledge

of the same. On 15.08.2026, the informant visited her sister's house and came to know that her gold ornaments had been pledged with a bank. Although she was assured that her money would be returned, on 16.08.2026 at about 8:00 AM, her sister came to her residence, assaulted her and threatened to kill her if she visited their house again. Hence, the informant approached the police seeking necessary legal action against the accused persons."

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.

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

5. 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