IN THE HIGH COURT OF ORISSA AT CUTTACK

CRLMP No.1637 of 2026
CNR No. ODHC010749722026

Pritam Pritikanta Debata .... ***Petitioner(s)***

Mr. Byomakesh Tripathy, Advocate

-versus-

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

Mr. R.B. Dash, ASC

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

ORDER

Order No. **29.10.2026**

01. **1.** The petitioner is aggrieved by non-registration of the F.I.R. based on the complaint lodged by him on 07.07.2026. Subsequently, he has also made a complaint to the Superintendent of Police, Cuttack on 22.08.2026. The allegation made in the complaint is as under:-

> *"I, Pritam Pritikanta Debata, S/o Praflilla Kumar Debata, resident of At/PO: Nijigada, P.S.: Tigiria, District: Cuttack, married to Punam Panda (24), D/o Pradeep Kumar Panda, resident of At: Othapal, P.O.: Ghatipiri, P.S.: Sadar, District: Dhenkanal, on 30.04.2025. Within a month of marriage, my wife started frequently quarrelling with me, abusing me in filthy language, insulting*

my parents, and pressuring me to live separately from them. Despite informing my in-laws, the disputes continued, and they also insisted that we live separately. Subsequently, my wife went to her parental home, taking away the gold ornaments kept in our house. When we questioned her regarding the same, on 02.07.2026 at about 10:00 AM, my wife, her mother, maternal aunt, grandmother and brother came to our house, abused and assaulted us, created a disturbance, and threatened to implicate us in false cases, defame us through the media, and arrange for the killing of our entire family. Hence, I request that necessary legal action be taken against the persons concerned in accordance with law."

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, he is at liberty to avail himself of the remedies under the law.

4. However, it is open for the Superintendent of Police, Cuttack 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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