IN THE HIGH COURT OF ORISSA AT CUTTACK

CRLMP No.1714 of 2026
CNR No. ODHC010769852026

Tanmay Dutta .... ***Petitioner(s)***

Mr. Tapan Mishra, 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. **05.11.2026**

01. **1.** The petitioner is aggrieved by non-registration of the F.I.R. on the basis of the complaint lodged by him on 05.09.2026. Subsequently, he has also made a complaint to the Superintendent of Police, Keonjhar on 18.09.2026. The allegation made in the complaint is as under:-

> *" I, Tanmay Dutta, proprietor of K. Sahaj Art P Jewellery Shop, respectfully state that on 30.04.2026, Sri Brahmananda Sahu, S/o Laxmidhar Sahu, of Chasipura, Anandpur, Keonjhar, voluntarily paid an advance of Rs. 2,00,000/- towards the purchase of customised gold ornaments.*

Subsequently, in July 2026, the accused allegedly pressured me to supply gold worth Rs. 10,00,000/- without proper tax invoices, claiming that he possessed black money. Upon my refusal, he demanded an immediate refund of the advance. On 08.08.2026, the accused, accompanied by three unknown associates, allegedly trespassed into my shop, abused me, threatened me with dire consequences and forcibly obtained a cheque of Rs. 2,00,000/- under intimidation, despite being informed that sufficient funds were not available at that time and that the amount would be arranged by 25.08.2026.

In good faith, I subsequently transferred Rs. 40,000/- to the accused on 24.08.2026 through PhonePe (Transaction ID: T260824114736443426423 6; UTR: 770714724763). However, on 28.08.2026, the accused again entered my shop along with media personnel, abused and threatened me, misbehaved with and intimidated my female employees, and allegedly recorded and circulated misleading footage with the intention of damaging my business reputation and public image.

The accused has also initiated a complaint under Section 138 of the Negotiable Instruments Act in respect of the cheque. His repeated acts have caused serious threats to my personal safety, business, family and female employees.

I therefore request you to register an FIR against Sri Brahmananda Sahu and his three unidentified associates under the appropriate

provisions of the Bharatiya Nyaya Sanhita, 2023, investigate the incidents of alleged criminal intimidation, extortion, criminal trespass, harassment of women and other cognizable offences, preserve the relevant CCTV and electronic evidence, and provide immediate police protection to me, my shop and my female employees 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, Keonjhar 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.
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