IN THE HIGH COURT OF ORISSA AT CUTTACK

CRLMP No.1731 of 2026
CNR No. ODHC010795472026

Surya Kanta Behera .... ***Petitioner(s)***

Mr. Byomakesh Tripathy, 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. **06.11.2026**

01. **1.** The petitioner is aggrieved by non-registration of the F.I.R. on the basis of the complaint lodged by him on 08.08.2026. Subsequently, she has also made a complaint to the Superintendent of Police, Dhenkanal on 16.09.2026. The allegation made in the complaint is as under:-

> *"The factual matrix of the case, in brief, is that the complainant, Surya Kanta Behera married to Kalyani Choudhury on 08.07.2018 as per Hindu rites and customs. After marriage, his wife frequently quarreled with him and his family members over trivial matters and insisted him to leave his aged parents and live separately in a rented house. She also allegedly threatened to implicate him and his family members in false*

criminal cases, abused and humiliated them, and created disturbances in the matrimonial home. She has been residing at her parental house for approximately two years despite his repeated requests to return. On 08.08.2026 at about 7:00 A.M., his wife, mother-in-law and one unknown person came to his house, demanded Rs.10,00,000/- towards maintenance/settlement and insisted upon divorce. When the complainant and his family members requested them regarding the custody and care of their children, an altercation ensued, during which the accused persons allegedly abused and physically assaulted them. They further threatened to implicate them in false criminal cases, extort Rs.10,00,000/- and even take their lives if the demand was not fulfilled. Apprehending further threats and physical harm to himself and his family members, the complainant approached the police seeking necessary legal action and protection."

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 herself of the remedies under the law.

4. However, it is open for the Superintendent of Police, Dhenkanal 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: 13-Nov-2026 08:41:20