IN THE HIGH COURT OF ORISSA AT CUTTACK

CRLMP No.1762 of 2026

CNR No. ODHC010802062026

Deepak Kumar Mohanty .... ***Petitioner(s)***

Mr. Rakesh Kumar Sarangi, Advocate

-versus-

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

Mr. Sarathi Jyoti Mohanty, ASC

CORAM: JUSTICE SIBO SANKAR MISHRA

ORDER

06.11.2026

Order No.

01. **1.** Heard.

2. The petitioner, being the informant is aggrieved for non-registration of F.I.R. on the basis of his complaint stated to have been lodged before the police on 31.07.2026.

3. The petitioner, in the complaint, alleged that one Binod Das had borrowed a sum of Rs.2,35,000/- from him on the assurance of commencing a business in which the petitioner would be a partner. However, the proposed business was never commenced. On being approached for repayment, the accused assured him of returning the amount. Subsequently, pursuant to a complaint lodged by the petitioner before the I.I.C., Astarang P.S., a settlement was arrived at between the parties on 11.11.2025, whereby the accused undertook to repay the entire amount by 30.12.2025. However, despite such undertaking, the accused failed to repay

the amount. Alleging that the accused had dishonestly induced him to part with the money and cheated him, the petitioner has approached this Court by filing the present petition.

4. 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 FIR 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."*

5. Since an efficacious alternative remedy by way of filing a complaint under Section 200 of the Cr.P.C. (corresponding to Section 223 of B.N.S.S.) or seeking appropriate orders under Section 156(3) of the Cr.P.C. (corresponding to 175(3) of B.N.S.S.) is available to the petitioner, he is at liberty to avail the remedies under law.

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

(S.S. Mishra)
Judge

Swarna

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Date: 12-Nov-2026 19:11:29