IN THE HIGH COURT OF ORISSA AT CUTTACK

CRLMP No.1804 of 2026
CNR No.ODHC010823862026

Ashok Bag .... ***Petitioner(s)***

Mr. Debabrata Rath, Advocate

-versus-

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

Mr. Aurobinda Mohanty, ASC

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

ORDER

Order No. **18.11.2026**

01. **1.** The petitioner is aggrieved by non-registration of the F.I.R. on the basis of the complaint lodged by him on 19.09.2026. Subsequently, he has also made a complaint to the Superintendent of Police, Sambalpur on the same day. The allegation made in the complaint is as under:-

> *"On 19.09.2026, I Ashok Bagh withdrew Rs. 5,00,000/- from Utkal Grameen Bank, Dhanupali Branch, Sambalpur and entrusted the said amount to my nephew, Sri Sripati Thela of Badamal, with instructions to deliver the same to my elder sister residing at Badsahir. However, instead of delivering the money, he dishonestly retained/misappropriated the entire amount. When I demanded the money back, he abused me in filthy language and threatened to kill me.*

Out of fear, I left the place and returned home. Thereafter, I approached Jujomura Police Station to lodge an FIR, but the Officer-in-Charge refused to register the case. Hence, I request you to register an FIR, investigate the matter, recover the misappropriated amount of Rs. 5,00,000/-, take appropriate legal action against the accused, and provide necessary protection to my life and safety."

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, Sambalpur 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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Signed by: SUBHASIS MOHANTY
Reason: Authentication
Location: High Court of Orissa, Cuttack.
Date: 20-Nov-2026 17:37:14