IN THE HIGH COURT OF ORISSA AT CUTTACK

CRLMP No.1861 of 2026
CNR No.ODHC010824832026

Antaryami Ray .... ***Petitioner(s)***

Mr. Debi Prasad Pattnaik, Advocate

-versus-

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

Mr. Udit Ranjan Jena, AGA

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

ORDER

Order No. **11.11.2026**

01. **1.** The petitioner is aggrieved by non-registration of the F.I.R. on the basis of the complaint lodged by him on 01.10.2026. Subsequently, he has also made a complaint to the Superintendent of Police, Jagatsinghpur on 06.10.2026. The allegation made in the complaint is as under:-

> *"About four months prior to the incident, the O.P. No.4, in a fit of anger, attempted to commit suicide by hanging herself from the ceiling fan when the family members declined to permit her to visit her brother-in-law's house, considering the illness of the minor grandson. Subsequently, she was sent to her parental home along with the minor child for a change of atmosphere. Thereafter, her conduct changed drastically, and she allegedly started spending considerable time*

talking to her brother-in-law over the phone, neglecting her family responsibilities, abusing and threatening the family members, and even threatening to engage her brother-in-law to kill the petitioner's son.

On 29.09.2026, the O.P. No.4 took the minor grandson, who was suffering from high fever to her parental house for observance of 'Mangala Osha'. On receiving information about the child's deteriorating health, the petitioner brought the O.P. No.4 and the child back home and took the child to Kujanga Medical for treatment. At about 8.00 P.M., when the petitioner went to purchase the prescribed medicines, he noticed the brother of the O.P. No.4 along with an unknown person carrying two bags. On returning home, he found that O.P. No.4 had secretly left the house with the minor child without informing any family member and had also taken away the gold ornaments kept in the house.

The petitioner further alleges that the O.P. No. 4 had been subjecting the minor child to repeated physical assault and cruel treatment, thereby apprehending serious danger to the child's safety and well-being. Accordingly, the petitioner submitted a written report before O.P. No.3 on 30.09.2026 and another report against the father of O.P. No.4 on 01.10.2026 alleging theft of gold ornaments, cruelty and abuse of the minor child, and seeking necessary police intervention. However, despite disclosure of cognizable offences and the persons allegedly involved, the police have failed to register an FIR or take any effective action."

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, Jagatsinghpur 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: 14-Nov-2026 08:36:44