



IN THE HIGH COURT OF ORISSA AT CUTTACK

CRLMP No. 342 of 2026

Rajesh Vijaya Vargiva

....

Petitioner

Ms. Shreeji Chimanka, Advocate

-versus-

1. State of Odisha

***2. Assistant Commissioner of Police-
cum-Officer in Charge, Cyber Police
Station, UPD Bhubaneswar***

***3. Branch Manager, Kotak Bank
Limited, Nayapalli, Bhubaneswar***

....

Opposite Parties

Mr. S.K. Rout, ASC

CORAM:

HON'BLE MISS JUSTICE SAVITRI RATHO

ORDER

26.03.2026

(Through hybrid Mode)

Order No.

02. 1. This CRLMP has been filed for a direction to the Opposite Party No.2-Assistant Commissioner of Police-cum-Officer In Charge, Cyber Police Station to register the FIR and to take up the investigation.

2. On 23.03.2026, the following order had been passed:

“1. It appears that the Petitioner has lodged the complaint at the Cyber Police Station on 29.01.2026.

2. A General Diary Entry has been made on the same date to the effect that as the fraud amount is less than Rs.5,00,000/-, the informant should report the matter before the concerned Police Station for registration of the case.

3. The learned counsel for the Petitioner submits that this was not intimated to the Petitioner and he



came to learn about this on 17.02.2026 when he visited the Cyber Police Station. As a result valuable time has been lost.

4. List this matter on 26.03.2026 to enable Mr. A.K. Apat, learned Additional Government Advocate to inform this Court as to why the Petitioner was not informed/ intimated by the Cyber Police Station to approach the concerned Police Station.”

3. Pursuant to the said order, instructions dated 24.03.2026 of the ACP, CC & E.O., P.S. UPD Bhubaneswar are produced by Mr. S.K. Rout, learned Additional Standing Counsel where it is stated as follows:

“In inviting a reference to the case on the subject cited above, I am to submit the following facts for kind perusal:

1. That, the complainant namely Rajesh Vijay Vargiya appeared at CC & EO PS, Bhubaneswar on 29.01.2025 with a written report alleging fraudulent withdrawal of Rs. 3,99,012/- from his Kotak Bank Debit Card in a series of transactions. After receipt of report, the financial help desk of the PS immediately registered his complaint on cybercrime.gov.in (National Cyber Crime Reporting Portal) as per cybercrime reporting procedure maintaining internal complaint no. 01 dtd. 29.01.2026.

2. That, CC & EO PS is mandated to register cases with financial implication of amount Rs. 5 lakhs and above vide CID CB O/O no. 81/CID-CB, Cyber dtd. 28.04.2023 (Annexure-I). As the amount reported was less than 5 lakhs, the complainant was verbally



advised to register an FIR at the local PS. The fact was entered in the General Diary vide GDE no. 005 dtd. 29.01.2026 (Annexure-II) and a copy was also furnished to him which he has acknowledged to have received (Annexure-III).

3. That, we always ensure proper dissemination of information to each complainant and in this case, the complainant has received both oral and written suggestion to lodge a complaint at the local PS.

In view of the above submission, it is prayed that the above CRLMP may be disposed of as the respondent has not left any lacunae in intimating the petitioner about non-registration of FIR at this PS on the same date.”

4. Although in the instructions, the General Diary entry has been signed by the ACP, Assistant Commissioner of Police on 24.03.2026, it is apparent that this General Diary Entry (in short ‘GDE’) has been made on 29.01.2026. It is also stated in the instructions that the financial help desk of the Police Station immediately registered complaint of the Petitioner on cybercrime.gov.in as per cybercrime reporting procedure maintaining internal complaint no.01 dated 29.01.2026 and the complainant was verbally advised to register an FIR at the local Police.

5. Under the provision of Section 173 of the BNSS, the FIR could have registered and sent to the Police Station. Thus having jurisdiction has not been done nor was a copy of the GDE handed over to the Petitioner immediately to enable him to approach the local Police Station.



6. The claim that the Petitioner was verbally informed on the same day cannot be accepted as copy of the GDE has been given to him on 17.02.2026. As it is apparent that the Petitioner was not informed before 17.02.2026 that he should approach the concerned Police Station for registration of the case, this Court is satisfied that since entry has been made in the cybercrime reporting portal on 29.01.2026 (although it is stated that complainant appeared on 29.01.2025 with the written report, it is apparent that this is a typographical error as he had admittedly appeared on 29.01.2026).
7. Valuable time has been lost due to failure of the Officer, Cyber Crime and E.O. P.S., UPD Bhubaneswar to inform the Petitioner that he could inform the local Police Station, this Court is satisfied that this particular complaint should be investigated into by the Cyber Crime and E.O. P.S., UPD Bhubaneswar.
8. Investigation should commence immediately as valuable time has already been lost.
9. With the above directions, the CRLMP is disposed of.
10. Urgent certified copy of this order be granted on proper application.

(Savitri Ratho)
Judge

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