



**IN THE HIGH COURT OF ORISSA AT CUTTACK**

**CRLMP No. 785 of 2026**

***Santosini Hota***

....

***Petitioner***

Mr. Rabindra Nath Prusty, Advocate

***-versus-***

***1. State of Odisha represented through  
its Secretary, Department of Home,  
Bhubaneswar***

***2. The Superintendent of Police,  
Jharsuguda***

***3. The Inspector In-charge of Police,  
Brajrajnagar Police Station***

***4. Shashi Sharma***

***5. Sushil Kumar Singh***

....

***Opp. Parties***

Mr. Saroj Kumar Rout,  
Additional Standing Counsel

**CORAM:**

**THE HON'BLE MISS JUSTICE SAVITRI RATHO**

**ORDER**

**30.06.2026**

**Order No.**

(Through Hybrid Mode)

01. 1. This CRLMP has been filed for a direction to Opposite Party No.3 to register the complaint as an FIR cause investigation into the matter and take lawful action against the Opposite Parties No. 4 and 5 in the interest of justice and equity.
2. The Supreme Court in the case of ***Sudhir Bhaskarrao Tambe Vs. Hemant Yashwant Dhage : (2016) 6 SCC 277***, has observed as follows:-

***“2. This Court has held in Sakiri Vasu v. State of U.P : (2008) 2 SCC 409, AIR 2008 SC 907, that if a person has a grievance that his FIR has***



*not been registered by the police, or having been registered, proper investigation is not being done, then the remedy of the aggrieved person is not to go to the High Court under Article 226 of the Constitution of India, but to approach the Magistrate concerned under Section 156(3) CrPC. If such an application under Section 156(3) CrPC is made and the Magistrate is, prima facie, satisfied, he can direct the FIR to be registered, or if it has already been registered, he can direct proper investigation to be done which includes in his discretion, if he deems it necessary, recommending change of the investigating officer, so that a proper investigation is done in the matter. We have said this in Sakiri Vasu case (2008) 2 SCC 409, AIR 2008 SC 907 because what we have found in this country is that the High Courts have been flooded with writ petitions praying for registration of the first information report or praying for a proper investigation.*

*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. After hearing Mr. Rabindra Nath Prusty, learned counsel for the Petitioner, perusing the averments in the CRLMP and



Annexures and in view of the decision of the Supreme Court in the case of ***Sudhir Bhaskarrao Tambe*** (supra), the CRLMP is disposed of granting liberty to the Petitioner to avail the alternate remedy which is available to him under law.

4. Urgent certified copy of this order be granted on proper application.

***(Savitri Ratho)***  
***Judge***

*Sukanta*