



IN THE HIGH COURT OF ORISSA AT CUTTACK

CRLMP No. 792 of 2026

Santosh Kumar Dash

....

Petitioner

Mr. Suryakanta Jena, Advocate
on behalf of Mr. Suresh Kumar Panda, Advocate

-versus-

***1. State of Odisha, represented through
the Secretary to Government, Home
Department, Bhubaneswar***

***2. The Deputy Commissioner of Police,
Cuttack***

3. The I.I.C. Jagatpur Police Station

....

Opp. Parties

Mr. Saroj Kumar Rout,
Additional Standing Counsel

CORAM:

THE HON'BLE MISS JUSTICE SAVITRI RATHO

Order No.

**ORDER
30.06.2026**

(Through Hybrid Mode)

01. 1. This CRLMP has been filed for a direction to Opposite Parties No.2 and 3 to register the complaint dated 27.04.2026 of the Petitioner as FIR and take immediate action on the same, to save the life of the Petitioner.
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. Suryakanta Jena, learned counsel appearing on behalf of Mr. Suresh Kumar Panda, 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