



IN THE HIGH COURT OF ORISSA AT CUTTACK

CRLMP No.803 of 2026

Chaitanya Sahu

....

Petitioner

Mr. S.K. Mohanty, Advocate

-versus-

- 1. State of Odisha, represented
through the Secretary, Home
Department, Bhubaneswar**
- 2. Director General of Police,
Cuttack**
- 3. Inspector General of Police,
Ganjam, Berhampur Division**
- 4. Superintendent of Police,
Ganjam at Chhatrapur**
- 5. IIC, Chhatrapur Police Station,
Dist. Ganjam**
- 6. Mitu Swain**
- 7. Rilu Kumar Sura**
- 8. Rahul Kumar Sura**

....

Opposite Parties

*Mr. Amitabh Pradhan,
Additional Standing Counsel*

CORAM:

THE HON'BLE MISS JUSTICE SAVITRI RATHO

ORDER
03.07.2026

Order No.
04.

(Through Hybrid Mode)

1. This CRLMP has been filed for a direction to the Opposite Parties No.1 to 5 to register the FIR of the Petitioner under Annexure-1 series and upon investigation of the same taking action against the accused persons. The prayer to direct the Opposite Parties No.1 to 5 for registration of the FIR of the Petitioner under



Annexure-1 series is misconceived. But there is also a prayer to direct the Opposite Party No.5-IIC, Chhatrapur Police Station to register the FIR of the Petitioner dated 08.06.2026.

2. It has been averred in the CRLMP and documents have been annexed that the Petitioner has sent representations to the Chief Minister of Odisha; Home Secretary, Odisha; Director General of Police, Odisha; Inspector General of Police, Southern Range, Berhampur; Superintendent of Police, Ganjam and the IIC, Chhatrapur Police Station. But as no steps were taken for registration of the FIR, he has approached this Court.

3. When the matter is taken up, Mr. S.K. Mohanty, learned counsel for the Petitioner prays for an adjournment stating that after receipt of Petitioner's representation, a letter dated 12.06.2026 has been issued by the I.G. of Police, Southern Range, Berhampur, to the Superintendent of Police, Ganjam directing him to conduct an enquiry into the allegation raised in the petition and to take appropriate action. The said memo along with the letter is taken on record.

4. 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.”

5. In view of the decision of the Supreme Court in the case of ***Sudhir Bhaskarrao Tambe*** (supra), if the Petitioner is not satisfied with the outcome of the enquiry by the S.P., Ganjam, he is at liberty to avail the alternate remedy which is available to him under law.

6. The CRLMP is accordingly disposed of.

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

(Savitri Ratho)
Judge

RKS