

**"Institutional Lethargy Has Crept Into Police Stations": Orissa High Court Issues Guidelines For Compulsory Registration Of FIRs**

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

**DR. JUSTICE S.K. PANIGRAHI; J.**

**CRLMP No.2331 of 2022; 05.12.2022**

**Jhulana Behera @ Jhansi Behera versus State of Odisha and Ors.**

*Petitioner Mr. Arjun Charan Behera, Advocate; Opposite Parties State Counsel*

**ORDER**

1. This matter is taken up through hybrid arrangement.
2. Heard learned counsel for the petitioner and learned counsel for the State.
3. Learned counsel for the petitioner submits that the petitioner has approached with a complaint copy before the Inspector-in-charge, Astaranga Police Station, District- Puri on 04.05.2022 for registration of FIR against the accused persons and seeking appropriate investigation thereupon. However, the Inspector-incharge of said Police Station whimsically refused to register the F.I.R.
4. Aggrieved by such non-registration of FIR, the petitioner has approached the Superintendent of Police, Puri, by way of a representation dated 29.05.2022 and the said representation is still pending with him.
5. Learned counsel for the petitioner further submits that though he has handed over the said complaint copy to the Inspector-in-charge of Police, Astaranga P.S., District- Puri which has been duly received by him, but there is no endorsement or acknowledgement receipt or any stamp acknowledging the receipt to that effect by the Police for which the petitioner is unable to show as to whether the copy the FIR has been received by the Police Station or not.
6. It is often observed that some amount of institutional lethargy has crept in to so many Police Stations of the State. Many Police Officers are refusing to register the F.I.R. whimsically or due to some externous circumstances. In such view of the matter, the Director General of Police is directed to issue the following instructions to all the police stations of the State:
  - a) Whenever a person comes to the Police Station with a complaint, the Officer posted at the Police Station shall compulsorily receive the complaint and endorse the complaint by way of a receipt or by way of stamp acknowledging the said receipt at that Police Station with time and date. The Police Officer shall further insist a photo copy of the said complaint to be given back to the complainant.
  - b) While a prescribed format is not necessary, it is essential that the In-charge of the Police Station shall indicate the minimum information required to substantiate a complaint and shall suggest what supporting documents are relevant and can add weight to the complaint.
  - c) The concerned official must be courteous to the complainant who approaches to the Police station and furnish a pen and a paper to the complainant, on request.
  - d) The complainant may also be given a comfortable space to sit and write the complaint.

- e) If the person is illiterate, the complaint must be dictated by the complainant to the officer-in-charge who shall reduce the same in writing and dictate it to the complainant before it is signed and stamped by the officer.
- f) A copy (photo-copy) of the FIR filed must be returned to the complainant by the concerned officer free of cost.
7. The content of this order is directed to be circulated to all the police stations of the state by way of instructions from the office of Director General of Police, Odisha within a period of fifteen days from today.
8. The aforesaid copy of the instructions be circulated to all the Police Stations of the State along with an affidavit shall be filed before this Court. It is essential that the police officer need to be sensitized for registering the FIR throughout the State when a complainant approaches the Police Station. It is further directed that strong action should be prescribed against the erring police officer including the initiation of disciplinary proceedings against them for whimsically not registering F.I.R.
9. It is out of place to mention that all the police officers, constabulary etc. need to be sensitized to be courteous to the public when they approach the police station and at least they should be offered a chair at the police station.
10. List this matter on 23<sup>rd</sup> of December, 2022.
11. A free copy of this order be handed over to the learned counsel for the State for compliance.

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