A.F.R.

IN THE HIGH COURT OF ORISSA AT CUTTACK

CRLMP No. 535 of 2026

(An application under Articles 226 of the Constitution of India)

Smt. Subasini Dei ….. ***Petitioner***

-versus-

1. State of Odisha, represented by the Principal Secretary to Govt., Home Department, Bhubaneswar

2. The Director General of Police, Cuttack

3. The Superintendent of Police, Nayagarh

4. The Inspector-in-Charge, Ranapur Police Station, Dist. Nayagarh ….. ***Opp. Parties***

Advocates who had appeared in this case through Hybrid Mode :

For Petitioner : *Mr. Umakant Sahoo, Advocate*

For Opposite Parties : *Mr. Saroj Kumar Rout, Additional Standing Counsel*

CORAM:

MISS JUSTICE SAVITRI RATHO

J U D G M E N T

Date of Hearing : 19.05.2026
&
Date of Judgment : 12.06.2026

Savitri Ratho, J. The CRLMP has been filed with the following prayer:

"In view of the facts and circumstances stated hereinabove, the lady petitioner most humbly prays that this Hon'ble Court may graciously be pleased to:

(a) Issue notices and after hearing the parties, may issue a writ in the nature of mandamus directing Opposite Party No. 4 (IIC, Ranapur Police Station) to forthwith register the FIR in compliance with the orders passed by the learned JMFC, Ranapur and to conduct investigation strictly in accordance with law;

AND

(b) Direct the Opposite Parties to submit a compliance report before this Hon'ble Court within a time to be stipulated by this Hon'ble Court;

AND

(c) Direct initiation of appropriate departmental and legal action against the erring police officer for wilful disobedience of judicial orders and for violation of the law laid down by the Hon'ble Supreme Court in Lalita Kumari v. State of Uttar Pradesh (2014) 2 SCC 1."

ALLEGATIONS

2. The Petitioner, a 65-year-old lady belonging to a Scheduled Caste community, has been subjected to cheating and exploitation by the accused persons, who dishonestly induced her to part with a sum of

Rs.2,10,000/- on the false pretext of executing a sale of their landed property through a Registered Sale Deed before the Sub-Registrar, Ranapur on 17.05.2025. But they failed to appear for execution and have neither executed the sale deed nor refunded the said amount despite repeated requests. The Petitioner filed 1CC Case No. 14 of 2025 in the Court of the learned Judicial Magistrate First Class (in short, "JMFC"), Ranapur. On 06.08.2025, the learned JMFC, passed direction under Section 175(3) of BNSS (corresponding to Section 156(3) Cr.P.C.) for registration of FIR and investigation. But, the IIC, Ranapur Police Station failed to register the FIR or conduct investigation and compelling the petitioner to invoke the extraordinary jurisdiction of this Hon'ble Court.

ORDERS PASSED BY THE LEARNED JMFC

3. Perusal of Annexure-2 series, which is the order-sheet of the learned JMFC, Ranpur in 1CC Case No.14 of 2025, reveals that on 14.07.2025 after perusing the petition the learned JMFC had called for a report/submission from the concerned IIC on or before 22.07.2025. Thereafter the matter was put up on 22.07.2025, 29.07.2025 and 06.08.2025. As no report had been received from the IIC, Ranpur, on 06.08.2025 after perusing the record, the learned JMFC had passed a

reasoned order issuing direction to the IIC to register the FIR and investigate the matter, in terms of procedure established by law and also directed the IIC, Ranpur to submit a report of compliance to the Court before 18.08.2025. Thereafter the matter had been listed on 18.08.2025, 17.09.2025, 11.11.2025 and 12.01.2026 but no compliance had been received from the IIC, Ranpur.

INSTRUCTION

4. Mr. Saroj Kumar Rout, learned Additional Standing Counsel produced the instructions dated 25.04.2026 of the IIC Ranpur Police Station, where it has been stated that Ranpur P.S. Case No.117 dated 24.04.2026 under Sections 316(2)/318(2)/318(3)/318(4)/3(5) of the BNS, 2023 has been registered and S.I., Hasina Pradhan is investigating the case.

5. Since the case has already been registered, the CRLMP has been virtually rendered infructuous, but in view of the dates and orders passed by the learned JMFC, the inaction/indolence of the IIC, Ranpur Police Station is apparent. Hence, the IIC, Ranpur Police Station was directed to file an affidavit indicating if the orders of the learned Magistrate had been received and the reasons for the long delay in complying with the direction to register the FIR.

AFFIDAVIT OF THE IIC

6. Pursuant to the order of this Court dated 05.05.2026, the Inspector-in-Charge, Ranapur Police Station (Opposite Party No.4) filed an affidavit. Paragraphs 4 and 7 of the affidavit are reproduced below:

> *"That, it is humbly submitted that the ICC Case No.14 of 2025 was received at the Ranpur P.S. on 06.08.2025. But, the said order of the Learned J.M.F.C., Ranpur was misplaced somewhere at the Police Station."*
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> *That, it is humbly submitted that delay in registering the case as per the order passed by the learned J.M.F.C., Ranpur in ICC case No.14/2025 is neither intentional nor deliberate, rather due to misplaced the said order in the police station, the same was not complied with in time. Therefore, there is some delay for compliance of the Hon'ble Court's order. So, the present deponent begs on conditional apology and also undertakes to remain sincere for compliance of the Hon'ble Court's order in future."*

(emphasis supplied)

DISCUSSION

7. Perusal of the order-sheet in 1CC case No 14 of 2025 reveals that, in spite of orders passed by the learned Magistrate on 14.07.2025, 22.07.2025. 29.07.2025 and 06.08.2025 calling for a report, no report

was received. Thereafter on 06.08.2025, the learned JMFC, Ranpur directed the IIC, Ranpur to register a case and posted the case to 18.08.2025. But no report was received from the Ranpur Police Station, for which the case suffered a number of adjournments .

8. It appears that the case has been registered in the Ranpur Police Station on 24.04.2026, which is more than eight months after the learned Magistrate passed the order on 06.08.2025 and after filing of this CRLMP.

9. It is possible for files and orders to be misplaced. But unfortunately , this is not a stray case . I have dealt with several writ applications (CRLMPs) where the grievance of the petitioner is that the orders passed or directions issued by the Magistrates or Judges of the Family Court are not being complied by the local police, inspite of several adjournments and reminders . The stock excuse of the IICs in such cases is that the file / order / NBW/ got misplaced and in a few cases that the incumbent joined recently .

10. Such excuses are not acceptable as different registers are maintained in the police station in respect of letters / orders / NBWs received from different authorities / courts .

11. It is therefore a matter of serious concern that judicial orders and directions are not being given any importance by the local Police .

12. In CONTC No. 2824 of 2026 where notice of contempt had been issued to the IIC of a Police station for denying receipt of an NBW sent to the Police Station by the learned Magistrate , judgment has been delivered today and it has been observed as follows : -

> "*20. The High Court is not the executing Court in respect of orders passed by the learned Magistrates or Judges of the District Judiciary. But as a result of the inaction / failure of the local police to carry out or comply with the orders / directions of these Magistrates and Judges, or even respond to their orders, the cases before these Courts are unnecessarily adjourned and the High Court is flooded with petitions by aggrieved persons complaining about the inaction of the police. The criminal courts and Judges of Family Courts do not issue non-bailable warrants in a routine manner. They are issued in cases involving heinous crimes or where there is allegation/ apprehension that the person may evade the process of law / tamper with evidence / bailable warrants cannot be executed or where the Court is satisfied that the accused is avoiding receipt of summons and / or is avoiding to appear before the Court intentionally for which the proceedings remain pending and the justice delivery system is adversely affected.*
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> *21. In spite of a number of orders being passed and reminders* issued by the Magistrates and other Judges of the District Courts,

the Officers in Charge of the concerned Police Stations, fail to respond cases for which the cases suffer repeated adjournments. This is because if the police does not report to the Court that it is not possible to execute a warrant (whatever the reason), the Court cannot take issue proclamation or attach the property of the accused / warrantee for ensuring his presence.

22. Therefore, it has become necessary to direct the Director General of Police, Odisha (DGP) to ensure that the Superintendents of Police / Commissioners instruct the IICs of the Police Stations under their jurisdiction, to and carry out the orders / directions of the Magistrates and other judicial officers , so that the litigants do not flood the High Court with CRLMPs complaining about inaction of the local police ."

13. In view of the directions in CONTC No. 2824 of 2026, it is expected that the Director General of Police, Odisha will issue necessary instructions and directions to the officers to respond to and comply with judicial orders and directions .

14. The CRLMP is disposed of with the aforesaid directions.

15. Copy of this judgement be communicated to the Director General of Police Odisha, by the Registry forthwith.

(Savitri Ratho)
Judge

Orissa High Court, Cuttack
Dated the 13th June, 2026 / RKS

Signature Not Verified
Digitally Signed
Signed by: RANJAN KUMAR SETHI
Reason: Authentication
Location: ORISSA HIGH COURT, CUTTACK
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