

IN THE HIGH COURT OF ORISSA AT CUTTACK
CRLMP No.2153 of 2022

Bandhana Toppo

....

Petitioner

Mr. Shivasankar Mohanty, Adv.

-versus-

State of Odisha & Ors.

....

Opposite Parties

Mr. D.Mund, AGA

CORAM:

DR. JUSTICE S.K. PANIGRAHI

Order
No.

ORDER

06.12.2022

01. 1. This matter is taken up through a hybrid arrangement.
2. Heard learned counsel for the petitioner and learned counsel for the state.
3. The petitioner has filed the present writ petition seeking a direction of this Court to register the complaints dated 01.04.2022 (Annexure-2) and 11.05.2022 (Annexure-3) and assign the investigation of the murder case to C.I.D, Crime Branch Odisha or any other independent investigative agency for the police refuse to register the petitioner's complaint and investigate the matter, even though more than seven months have elapsed since the murder.

4. In view of the above submission, the Inspector-in-Charge, Info city Police Station UPD, Bhubaneswar was also summoned by this Court on 23rd of November, 2022. Unfortunately, the said Inspector-in-charge could not offer a plausible explanation for the non-registration of the FIR despite the fact that the old parents of the deceased have approached to the said police station on several occasions. In such view of the matter, the Deputy Commissioner of Police was ordered to look into the reasons for non-registration of F.I.R by the IIC, Info city Police Station, Bhubaneswar and submit a report in this regard; within seven days.

5. In compliance with the said order, the Deputy Commissioner of Police vide letter dated 03.12.2022 submitted that neither the Receipt Register nor the other paper/records maintained at Infocity P.S. for registration of a cognizable cases mention any such report filed by the petitioner. It must also be noted that, in the inquiry, the IIC Infocity P.S. has reiterated that no such report has been received by her. In fact, it is a presumable fact that when complainant has been denied by the Police Officer to receive any complaint, it is but natural that there will be no trace of any receipt proof or record at the Police Station. The inquiry report of the Deputy Commissioner of Police, Bhubaneswar is just a

reiteration of the stand of the said IIC, Info City Police Station.

6. However, after the Petitioner approached this Court, the Info city Police acknowledged the written complaint of the Petitioner and registered the complaint as F.I.R. vide P.S. Case No.6336 dated 24.11.2022. It is alleged that such inaction on the part of the police is intended to protect the accused who is said to be a police officer and has been arrayed as an accused in the case in hand. This Court fails to fathom as to why the petitioner should be made to rush to the High Court for seeking an order from this Court to get the FIR registered, this itself smacks the insensitivities of the concerned police station.

7. The inaction shown by the police is deplored. If there is even a shred of truth in the allegations made herein, such infamy by the police deserves strong condemnation. The core mission of the police is to protect citizens from the undesirable elements of society. But if its actions were to leave the community more vulnerable to criminal victimization, it would undermine the popular confidence in law enforcement. Looking at the recent surge of cases pertaining to delay in registration of F.I.Rs, it seems institutional lethargy has crept into the system, which is unfortunate.

8. *Ergo*, the Commissioner of Police, Bhubaneswar is directed not to assign the concerned policeman to any field posting for one year. Also, appropriate steps shall be taken at the end of the Police Commissioner, Bhubaneswar to send the said officer for sensitization training at the Biju Pattanaik Police Academy, Bhubaneswar for one month. The Deputy Commissioner of Police is directed to personally monitor the investigation of the concerned case while keeping all influences at bay and submit the Final Report within three months from today.

9. With the aforesaid observation, the CRLMP stands disposed of.

10. Issue an urgent copy of the order as per the Rules.

11. A free copy of the order shall be given to the learned counsel for the State for necessary compliance.

(Dr. S.K. Panigrahi)
Judge