



IN THE HIGH COURT OF ORISSA AT CUTTACK

CRLMC No.597 of 2026

Chaturbhuja Majhi

....

Petitioner(s)

Mr. Bidyadhar Panda, Adv.

-versus-

State of Odisha & Anr.

....

Opposite Party(s)

Ms. Sarita Moharana, ASC

CORAM:

HON'BLE DR.JUSTICE SANJEEB K PANIGRAHI

Order No.

01.

ORDER

25.02.2026

1. This matter is taken up through hybrid arrangement.
2. By filing the present CRLMC, the Petitioner has prayed for quashing the entire criminal proceedings initiated against him vide Kuchinda P.S. Case No.323 of 2024 corresponding to G.R. Case No.678 of 2024, pending before the learned S.D.J.M., Kuchinda, Sambalpur for the offences under Sections 296/109(1)/351(3)/115(2)/3(5) of B.N.S.
3. Heard Mr. Bidyadhar Panda, learned counsel for the Appellant appearing through Virtual Court, Sambalpur and Ms. Sarita Moharana, learned Addl. Standing Counsel for the State.
4. Learned counsel for the Petitioner submits that the Petitioner has neither been named in the F.I.R. nor was he present at the alleged place of occurrence. It is contended that he has been unnecessarily implicated in the present



case without any specific role being attributed to him. Learned counsel further submits that the prosecution has been instituted with mala fide intention and is manifestly attended with ulterior motives. On such grounds, he prays for quashing the entire criminal proceedings *qua* the Petitioner in exercise of the inherent jurisdiction of this Court under Section 528 of the BNSS.

5. Per contra, learned counsel for the State opposes the prayer and submits that the investigation is still in progress. It is argued that at this nascent stage, interference by this Court would be premature and not sustainable in law, particularly when the allegations require a thorough investigation.

6. When tasked with the vexed question of exercising the inherent power ordained under Section 482 of Cr.P.C. (corresponding to Section 528 of BNSS) at the stage of preliminary investigation, the Supreme Court in the case of *Tejja Devi v. State of Rajasthan*¹, observed that:

“5. It has been rightly submitted by the learned counsel for the appellant that ordinarily power under Section 482 CrPC should not be used to quash an FIR because that amounts to interfering with the statutory power of the police to investigate a cognizable offence in accordance with the provisions of CrPC. As per law settled by a catena of judgments, if the allegations made in the

¹ (2014) 15 SCC 221



FIR prima facie disclose a cognizable offence, interference with the investigation is not proper and it can be done only in the rarest of rare cases where the court is satisfied that the prosecution is malicious and vexatious.

xxx

xxx

xxx

9. We have no hesitation in holding that in the facts of the case, the High Court was not justified in interfering with the police investigation and quashing the FIR. This is not at all a rare case. Without a thorough investigation, it is not possible or proper to hold whether the allegations made by the complainant are true or not. Hence the investigation should have been allowed to continue so that on filing of the report under Section 173 CrPC the affected party could pursue its remedy against the report in accordance with law. Keeping in view the fact that the criminal case was at the stage of investigation by the police the High Court was not justified in holding that the investigation of the impugned FIR is totally unwarranted and that the same would amount to gross abuse of the process of the court."

9. Considering the submissions made by the learned counsel for the respective parties and having perused the materials available on record and taking into account the ratio laid down in the above noted case, this Court is not inclined to entertain the prayer made in the CRLMC at this stage. However, it is observed that the Petitioner is at liberty to avail all remedies available under law, including



filing an appropriate application for discharge before the learned trial Court, which shall consider the same in accordance with law.

10. Accordingly, the CRLMC stands dismissed.

11. A copy of the order be communicated to the learned trial Court forthwith.

(Dr. Sanjeeb K Panigrahi)
Judge