



IN THE HIGH COURT OF ORISSA AT CUTTACK

CRLMC No. 1011 of 2025

Dr. Kaliprasad Panda

..... Petitioner(s)

Mr. Rojeet Roy, Advocate

-versus-

State of Odisha & Anr.

..... Opposite Party (s)

Mr. S.J. Mohanty, ASC

CORAM:

JUSTICE SIBO SANKAR MISHRA

ORDER

26.03.2025

Order No.

01. 1. Heard.
2. The petitioner by invoking inherent jurisdiction of this Court is seeking quashing of the FIR in Gunupur P.S. Case No.24 dated 10.02.2025 corresponding to T.R. Case No.05 of 2025 pending in the court of the learned ADJ-cum-Special Court under POCSO Act, Rayagada.
3. The allegation against the petitioner is that on 10.02.2025, the Victim/Survivor presented a written report before IIC, Gunupur, alleging therein that on the evening of 08.02.2025, she had visited Jagannathpur Hospital for an eye check-up and Dr. Kali Prasad Panda/Petitioner examined her eyes and administered



an injection on the pretext of treatment. Thereafter, the petitioner locked the room door. Then inserted his hand inside her dress and pressed her breast and asked her to open the pant. At that time, the Victim came out from the room by getting scared but the petitioner again called her to the room and threatened her that not to disclose the incident to anyone in the village. If she discloses then he will lodge complaint against her and her villagers. In the fear of the police case she had not complained it in the police immediately. On the basis of the said written report, a case was registered against the petitioner for commission of alleged offences under Sections under Sections 75/76/351(2) BNS r/w Section 10 of the POCSO Act r/w Section 3(1)(w) of the SC & ST (PGA) Act vide Gunupur P.S. Case No.24 of 2025.

4. Mr. Roy, learned counsel for the petitioner taking me to various annexures form part of the present petition trying to make out a case that the criminal law has been set in motion against the petitioner with an malafide intention, which would fall under Exception-7 of the broad guidelines postulated by the Hon'ble Supreme Court in the case of State of Haryana v. Bhajan Lal, AIR 1992 SC 604. The petitioner has relied upon various documents to substantiate his case to establish malafide.



5. I am not inclined to examine the veracity of those documents since the investigation is still going on. Rather, it would be expedient that the documents relied upon by the petitioner in the present petition is to be furnished before the IO, who shall deal with the same in accordance with law while filing closure report/final form under Section 173 Cr.P.C. It is open for the petitioner to apprise his case to the IO and produce all the documents, which is form part of the present petition.

6. With this observation, the CRLMC is disposed of.

(S.S. Mishra)
Judge

Ashok

Signature Not Verified

Digitally Signed
Signed by: ASHOK KUMAR JAGADEB MOHAPATRA
Designation: Secretary
Reason: Authentication
Location: High Court of Orissa
Date: 27-Mar-2025 10:56:49

