



IN THE HIGH COURT OF ORISSA AT CUTTACK

CRLMC No. 988 of 2025

Kairi Dhibar

..... Petitioner(s)

Mr. P.K. Jena, Advocate

-versus-

State of Odisha & Ors.

..... Opposite Party (s)

Mr. B. Nayak, AGA

CORAM:

JUSTICE SIBO SANKAR MISHRA

ORDER

26.03.2025

Order No.

01. 1. Heard.
2. Mr. P.K. Mishra, learned counsel enters appearance for opposite parties no.2 and 3.
3. The petitioner is the informant in Deogarh P.S. Case No. 178 dated 29.07.2016 corresponding the C.T. Case No. 550 of 2016 pending in the court of learned SDJM, Deogarh.
4. After investigation on 30.09.2016 final form has been filed in the present case. The grievance of the petitioner is that no notice was issued to her and she has right to file protest petition against the closure report. The limited grievance of the petitioner is that



liberty may be granted to the petitioner to file the protest petition before the court below.

5. Mr. P.K. Mishra, learned counsel for opposite parties no.2 and 3 vehemently opposed the prayer made by the petitioner on the ground that on 02.11.2016, first opportunity was granted to the petitioner for filing the protest petition. Thereafter, the matter was taken up time to time and the informant remained absent. The matter finally taken up on 13.05.2023, whereby the impugned order has been passed closing the matter.

6. Perusal of the impugned order and proceeding of the court below placed before this Court as Annexure-4 reveals that although the informant was absent but nothing has been forthcoming as to whether the informant has been duly served or not. Learned counsel for the Respondent is not able to demonstrate that the informant is duly served. Rather, on the contrary relevant would be reproduced the order dated 11.10.2022 of the trial court:

*“Informant is absent. **SR not yet back.** Issue fresh summon to him. Put up on 24.03.2023 for filing objection, if any.”*

Subsequent thereto, the matter was again taken up on 24.03.2022 and following order was passed;-

*“Informant is absent. **SR not yet back.** Issue fresh summon to him. Put up on 06.05.2023 for filing objection, if any.”*



Thereafter, the matter was taken up on 13.05.2023 and the right to file the protest petition has been closed. At this stage, the petitioner has approached this Court by filing the present petition.

7. In view of the aforementioned, the prayer of the petitioner deserves merit because statutorily the petitioner is entitled to file a protest petition, if she is aggrieved after by the closure report filed by the police after investigation of the FIR in which the petitioner is an informant. Therefore, liberty is granted to the petitioner to file protest petition, if so advised, within a period of fifteen days hence. If such protest petition is filed, the trial court shall deal with the same in accordance with law. No further time shall be granted to the informant to file protest petition after expiry of 15 days.

8. With the aforesaid observation and direction, 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

