



**IN THE HIGH COURT OF ORISSA AT CUTTACK**

**CRLMP No. 363 of 2026**

***Mukesh Agrawal***

....

***Petitioner***

Mr. Subham Agrawal, Advocate

*-versus-*

***1. State of Orissa***

***2. Sub-Divisional Magistrate, Nuapada***

***3. Inspector in-charge, Khariar Police  
Station***

***4. Padarbinda Panda***

....

***Opp. Parties***

Mr. Saroj Kumar Rout,  
Additional Standing Counsel

**CORAM:**

**HON'BLE MISS JUSTICE SAVITRI RATHO**

**ORDER**

**20.03.2026**

**Order No.**

(Through hybrid Mode)

**I.A. No. 80 of 2026**

- 02.
1. This I.A. has been filed for correction of typographical error in prayer-A.
  2. The I.A. for amendment is allowed.
  3. The prayer-A shall be substituted by a consolidated page containing the amendment.
  4. I.A. is disposed of.

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5. Mr. Subham Agrawal, learned counsel files the page containing the amended prayer, which is taken on record. The copy of the same is served on Mr. Saroj Kumar Rout, learned Additional Standing Counsel.



6. This CRLMP has been filed for quashing the order dated 05.02.2026 passed by the Opposite Party No.2 Sub-Divisional Magistrate, Nuapada in Criminal Misc. Case No. 91 of 2025.
7. Issue notice of this application to the Opposite Parties.
8. Since Mr. Saroj Kumar Rout, learned Additional Standing Counsel accepts notice on behalf of Opposite Parties No.1 to 3, no requisites need be filed for issuance of notice to them.
9. Requisites for issuance of notice to the Opposite Party No.4 by Speed Post with AD shall be filed by 24<sup>th</sup> March, 2026. The notice shall be made returnable within four weeks.
10. List this case on 04.05.2026 along with postal tracking report.

**I.A. No. 71 of 2026**

11. Issue notice as above.
12. Accept one set of process fee.
13. Perusal of the CRLMP and I.A. reveals that the Opposite Party No.4 had earlier filed Civil Suit No. 21 of 2025 on 28.03.2025 in the Court of the learned Civil Judge (Senior Division), Khariar seeking declaration, eviction and injunction against the Petitioner from the said land and I.A. No. 14 of 2025 has been dismissed on 02.09.2025 without granting relief of temporary injunction to the Opposite Party No.4 on the ground of suppression of material facts and for lack of supporting evidence.
14. Mr. Subham Agrawal, learned counsel for the Petitioner relies on the decision of the Supreme Court in the case of **Ram**



*Sumer Puri Mahant vs. State of U.P. : (1985) 1 SCC 427,* where it is stated that “*there is no scope to doubt or dispute the position that the decree of the Civil Court is binding on the criminal court in a matter like the one before us. Counsel for respondents 2-5 was not in a position to challenge the proposition that parallel proceeding should not be permitted to continue and in the event of a decree of the Civil Court, the criminal court should not be allowed to invoke its jurisdiction particularly when possession is being examined by the civil court and parties are in a position to approach the civil court for interim orders such as injunction or appointment of receiver for adequate protection of the property during dependency of the dispute. Multiplicity of litigation is not in the interest of the parties nor should public time be allowed to be wasted over meaningless litigation.*”

15. It is apparent from the averments in the CRLMP as well as the Annexures that the matter is pending before the learned Civil Judge (Senior Division), Khariar in Civil Suit No. 21 of 2025.

16. Therefore the operation of the impugned order dated 05.02.2026 passed by the learned Sub-Divisional Magistrate, Nuapada in Criminal Misc. Case No. 91 of 2025 shall remain stayed till the next date.

17. Urgent certified copy of this order be granted on proper application.

**(Savitri Ratho)**  
**Judge**