



IN THE HIGH COURT OF ORISSA AT CUTTACK

CRLMP No.780 of 2026

Rina @ Reena Ghadei

....

Petitioner

Mr. A. Tripathy, Advocate

-Versus-

State of Odisha & another

....

Opposite Parties

Mr. S. Behera, AGA

CORAM:

MR. JUSTICE R.K. PATTANAIK

ORDER

28.07.2026

Order

No.

03.

1. Heard learned counsel for the respective parties.
2. Instant CRLMP is filed by the petitioner to direct opposite party No.1 to sanction to prosecute opposite party No.2 in connection 1CC Case No.1 of 2023 filed before the court of learned Sessions Judge, Nayagarh, but disposed of in the meantime on the grounds stated.
3. A copy of the complaint is at Annexure-1. From Annexure-2, this Court finds that enquiry was conducted by the learned court below with the examination of the petitioner and witnesses under Section 202 Cr.P.C. and thereafter, it was followed by the impugned order at Annexure-5. Mr. Tripathy, learned counsel for the petitioner submits that due to the want of sanction order, the complaint was dropped and disposed of vide Annexure-5. It is further submitted by Mr. Tripathy, learned counsel that the petitioner had approached opposite



party No.1 with an application dated 11th December, 2024 as per Annexure-4, but received no intimation. The submission is that opposite party No.1 should grant sanction in order to prosecute opposite party No.2 for the alleged incident, in relation to which the complaint was filed. Recorded the response of the State. According to Mr. Behera, learned AGA the dispute is civil in nature and therefore, the petitioner is not entitled to any such sanction to prosecute opposite party No.2. In response to the above, Mr. Tripathy, learned counsel submits that opposite party No.2 committed the offences alleged in the complaint i.e. Annexure-1 during and in course of demolition exercise damaging and dismantling the dwelling house of the petitioner.

4. Since opposite party No.2 is a public servant and was the Executive Officer of the Municipality at the relevant point of time, hence, the learned court below demanded a sanction order to prosecute her upon entertaining the complaint. Since sanction was not managed by the petitioner and could not be submitted to the learned court below, the complaint was dropped. This Court cannot direct opposite party No.1 to sanction to prosecute opposite party No.2. However, this Court, in view of Annexure-4 is inclined to issue a direction to opposite party No.1 to at least consider the same vis-à-vis grant of sanction to prosecute opposite party No.2 and to take a decision thereon within a reasonable time but as per law.

5. Accordingly, it is ordered.



6. In the result, the CRLMP stands disposed of with the direction as aforesaid. It is directed that opposite party No.1 in case has received the application dated 11th December, 2024 at Annexure-4 sent by Post by the petitioner to consider grant of sanction against opposite party No.2 for the complaint and to take a decision in that regard preferably within a period of six weeks from the date of receipt of a copy of this order. It is further directed that in the event any such sanction is granted, on an application by the petitioner, the proceeding in 1CC Case No.1 of 2023 shall stand restored for its disposal as per and in accordance with law.

7. Issue urgent certified copy of this order per rules.

8. A copy of the order be handed over to Mr. Behera, learned AGA for the State for intimation to opposite party No.1 for early compliance.

(R.K. Pattanaik)
Judge