



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

**CRLREV No.355 of 2025**

(In the matter of an application under Section 401 of read with Section 397 of Cr.P.C.)

***Puspanjali Swain***

....

***Petitioner***

*-versus-*

***State of Odisha***

....

***Opposite Party***

**For Petitioner** : Mr. S. Mohanty, Advocate

**For Opposite Party:** Mr. A.K. Pati, ASC  
Mr. B.P. Mohanty, Advocate  
(Informant)

**CORAM: JUSTICE V. NARASINGH**

**DATE OF HEARING : 24.02.2026**

**DATE OF JUDGMENT : 19.06.2026**

**V. Narasingh,J.** Heard learned counsel for the Petitioner and learned counsel for the State.

1. This Criminal Revision has been filed assailing the order dated 18.01.2025 passed by the learned SDJM, Puri in G.R. Case No. 2520 of 2022



arising out of Puri Town P.S. Case No. 381 of 2022 dated 25.11.2022, whereby cognizance has been taken under Sections 420/468/471/34 of the IPC against the present Petitioner along with four others.

2. It is apt to note here that the impugned order taking cognizance was earlier assailed before this Court in CRLMC No. 1125 of 2025, which was disposed of by order dated 19.06.2025 with liberty to prefer a revision against the impugned order and accordingly the present Revision has been preferred.

3. Learned counsel for the Petitioner, Mr. Mohanty, submits that admittedly there are matrimonial disputes between the Petitioner and the Informant, in as much as C.P. No. 1021 of 2021 under Section 25(iii) of the Special Marriage Act, 1954 was filed by the Informant-husband for annulment of marriage on the ground of fraud,



which is on the file of the learned Judge, Family Court, Bhubaneswar.

3-A. A petition under Section 12 of the Protection of Women from Domestic Violence Act, 2005 registered as CMC No. 40 of 2022, filed by the Petitioner claiming to be the wife, seeking maintenance, compensation and shared accommodation, is pending inter se on the file of the learned SDJM, Bhubaneswar and vide order dated 04.05.2022, the learned SDJM directed payment of interim maintenance of Rs. 7,000/- and also granted the relief of permission to share the household. The said order has to be executed with the help of police on 12.05.2022.

3-B. It is the submission of the learned counsel for the Petitioner that, being miffed by the order dated 04.05.2022 passed under the Protection of Women from Domestic Violence Act, 2005, the informant made a complaint on 18.05.2022 to the



S.P., Puri, alleging fraud in the issuance of the marriage certificate dated 16.01.2020 under the Special Marriage Act, 1954.

3-C. The F.I.R. was registered on 25.11.2022, and upon completion of investigation, a charge sheet was filed on 11.01.2025 and cognizance was taken vide order dated 18.01.2025 under Sections 420/468/471/341/120B read with Section 34 of the IPC, which is impugned herein.

4. It is further submitted that the Petitioner and the Informant were admittedly in a relationship and the allegation in the complaint is that, under the guise of execution of a sale deed, the signature of the Informant-husband was obtained for the purpose of obtaining a marriage certificate under the Special Marriage Act, 1954.

5. Learned counsel for the Petitioner also submits that the order of cognizance, is outcome of non-application of mind as such tainted with mala



fides and hence liable to be interfered with. The F.I.R., even if accepted in its entirety discloses that the entire allegation is within the realm of civil disputes. Even if the allegation of obtaining the marriage certificate by playing fraud is accepted at its face value, the same can be dealt with in terms of the Special Marriage Act, 1954 and since admittedly, the proceedings in that regard have already been instituted by the Informant-husband, the order of cognizance is liable to be quashed.

6. It is also alleged that the averments in both the proceedings, i.e., in C.P. No. 1021 of 2021 under the Special Marriage Act, 1954 and in the case at hand emanating from an F.I.R., are ex facie contradictory.

Hence, if the order of cognizance is allowed to stand, it will be an abuse of the process of law. Therefore, the same is liable to be set aside and in this context, reliance is placed on the



judgment of the Apex Court in the case of ***Usha Chakraborty v. State of W.B., (2023) 15 SCC 135.***

7. Per contra, learned counsel for the Informant, Sri. B.P. Mohanty, referring to the objection, submits that there is no illegality in the order passed and also, drawing the attention of this Court to the contours of the exercise of revisional jurisdiction, submits that the matter does not merit consideration.

In this context, he relies on the Judgments of the Apex Court in the case of ***Raghubans Dubey v. State of Bihar, 1967 SCC OnLine SC 3*** and ***State of Bihar v. Ramesh Singh, (1977) 4 SCC 39.***

8. So far as the contours of exercise of revisional jurisdiction is concerned, the same is settled by the judgment of the Apex Court in the case of ***State of Orissa v. Debendra Nath***



**Padhi, (2005) 1 SCC 568** and clarified in the case of ***Rukmini Narvekar v. Vijaya Satardekar, (2008) 14 SCC 1.***

9. This Court perused the LCR in G.R. Case No. 2520 of 2022, which was called for during the pendency of this revision.

It is seen that the certificate of marriage, which is stated to have been obtained by fraud and for annulment of which a proceeding under Section 25 of the Special Marriage Act, 1954 is pending and annexed as Annexure-3 to the revision petition.

During the course of investigation, the opinion of a handwriting expert was sought by the Investigating Agency regarding the veracity of the stand taken by the Informant that his signature was forged in the said certificate of marriage.

10. On examination of the disputed and admitted signatures, the Government Examiner of questioned documents has opined that the



signature of the complainant, as appearing in the certificate of marriage, does not tally with his admitted signatures.

The same has been recorded in the final form under Column-16 under the heading brief facts, which reads thus;

“.....The signatures of the complainant Shovan Kumar Sahoo on the various documents related to the alleged marriage do not match his admitted and specimen signatures, as the expert opinion from the Handwriting Bureau, authorised body of Government of Odisha confirmed.

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It is further seen that there are glaring irregularities regarding the procedure, which is condition precedent for registration of marriage. In as much as the requirement relating to the parties residing outside the jurisdiction of the Marriage Officer, as prescribed under the Special Marriage



Act, 1954, were not followed and the same have also been succinctly stated in the charge sheet.

11. In the light of the aforesaid facts which have come out during the investigation, this Court does not find merit in the submission of the learned counsel for the Petitioner that the ingredients of the offences as alleged are not made out.

12. It is the settled position of law that while scrutinising an order of cognizance taken in respect of the offences as alleged, a microscopic examination of the materials on record is unwarranted in fact have to be shunned.

In this context respectful reference can be made to the judgment of the Apex Court in the case of ***Kamal Shivaji Pokarnekhar V. State of Maharashtra, (2019) 14 SCC 350.***

For convenience of ready reference, the relevant excerpt of the said judgment is culled out hereunder:



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4. The only point that arises for our consideration in this case is whether the High Court was right in setting aside the order by which process was issued. It is settled law that the Magistrate, at the stage of taking cognizance and summoning, is required to apply his judicial mind only with a view to taking cognizance of the offence, or in other words, to find out whether a prima facie case has been made out for summoning the accused persons. The learned Magistrate is not required to evaluate the merits of the material or evidence in support of the complaint, because the Magistrate must not undertake the exercise to find out whether the materials would lead to a conviction or not.

5. Quashing the criminal proceedings is called for only in a case where the complaint does not disclose any offence, or is frivolous, vexatious, or oppressive. If the allegations set out in the complaint do not constitute the offence of which cognizance has been taken by the Magistrate, it is open to the High Court to quash the same. It is not necessary that a meticulous analysis of the case should be done before the Trial to find out whether the case



would end in conviction or acquittal. If it appears on a reading of the complaint and consideration of the allegations therein, in the light of the statement made on oath that the ingredients of the offence are Sonu Gupta v. Deepak Gupta and Ors. 2015 (3) SCC 424. disclosed, there would be no justification for the High Court to interfere.

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9.....At the initial stage of issuance of process it is not open to the Courts to stifle the proceedings by entering into the merits of the contentions made on behalf of the accused. Criminal complaints cannot be quashed only on the ground that the allegations made therein appear to be of a civil nature. If the ingredients of the offence alleged against the accused are prima facie made out in the complaint, the criminal proceeding shall not be interdicted.

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*(emphasized)*

So far as the decisions cited by the Petitioner are concerned, the same are clearly distinguishable on facts, and the contention inter alia that merely because a proceeding under



Section 25(iii) of the Special Marriage Act, 1954 has been instituted does not, in any way, dilute the allegations levelled by the complainant, which have culminated in the final form, in the nature of a charge sheet.

13. Hence, on a conspectus of the materials on record, tested on the altar of the law governing the field, this Court is not persuaded to hold that there is any perversity in the order passed by the learned Magistrate in taking cognizance of the offences, so as to warrant interference by this Court in exercise of its revisional jurisdiction.

14. Accordingly, the CRLREV stands rejected. The interim order stands vacated.

15. Registry is requested to intimate the culmination of this proceeding to the learned Court in seisin.

16. It is needless to mention that it shall be open to the Petitioner to raise all grounds available



to her in accordance with law at a later stage of the proceeding in question. And, in the event such an application is filed, the same shall be dealt with in accordance with law without being influenced by any observation made hereinabove, which was only in respect of the order taking cognizance of the offences.

17. The CRLREV and I.As are accordingly disposed of. No costs.

**(V. NARASINGH)**  
**Judge**

*Orissa High Court, Cuttack*  
*Dated the 19<sup>th</sup> June, 2026/ Soumya*