



IN THE HIGH COURT OF ORISSA AT CUTTACK

CRLMC No.2127 of 2026

CNR No. ODHC010480912026

Sampeet Mahanty

.....

Petitioner

Represented by Adv. -
Lingaraj Sarangi

-versus-

State of Odisha & Ors.

.....

Opposite Parties

Represented by Adv. -
Smt. S.Nayak, A.S.C.

CORAM:

**THE HON'BLE MR. JUSTICE ADITYA KUMAR
MOHAPATRA**

ORDER

Order No.

04.08.2026

- 02.
1. This matter is taken up through Hybrid Arrangement (Virtual /Physical Mode).
 2. Heard learned counsel for the Petitioner as well as the learned counsel for the State. Perused the CRLMC application as well as the prayer made therein.
 3. By filing the present application under Section 528 of the B.N.S.S., the accused in Nayagarh P.S. Case No.118 of 2015 which corresponds to G.R. Case No.332 of 2015 pending in the Court of learned S.D.J.M., Nayagarh for alleged commission of an offence punishable under Section 419, 420, 467, 468, 471, 120-(B), 34 of I.P.C. has approached this Court with a prayer for quashing of the order dated 12.11.2022 taking cognizance, passed in the abovenoted G.R. case, as well as the entire criminal proceeding against the present Petitioner.



4. Learned counsel for the Petitioner, at the outset, contended that no prima facie case is made out against the present Petitioner even accepting the allegation made in the F.I.R. to be correct. He further submitted that the name of the Petitioner has been mechanically included in the list of names submitted by the District Sub Registrar by lodging the F.I.R. before the local police station. While assailing the order taking cognizance dated 12.11.2022, learned counsel for the Petitioner contended that the learned trial court has mechanically taken cognizance of the offence without applying by judicial mind and without verifying as to whether a prima facie case is made out against the present Petitioner on the basis of the materials collected in course of investigation. In such view of the matter, learned counsel for the Petitioner contended that both the order taking cognizance, as well as the continuance of the criminal proceeding against the present Petitioner, would be bad in law and, accordingly, the same should be quashed.

5. Learned counsel for the State on the other hand contended that a prima facie case is well made out against the present Petitioner. She further submitted that in the present case the District Sub Registrar, Nayagarh is the informant, who has lodged this complaint before the OIC, Nayagarh, Town P.S., on the basis of the records maintain at the D.S.R., Office, Nayagarh. She further contended that in the meantime, the investigation has been concluded and the final charge sheet has been filed. She also submitted that the learned trial court has already taken cognizance of the offence under the alleged sections. In such view of the matter, learned counsel for the State contended that since a case is well made out under alleged sections against the present Petitioner, the prayer made in the present CRLMC application is devoid of merit and, accordingly, the



CRLMC application be dismissed at threshold.

6. Having regard to the submissions made by the learned counsel appearing for the parties, on a careful examination of the background facts as well as the materials on record, further on a close scrutiny of the impugned order taking cognizance dated 12.11.2022 at Annexure-7 and on the request of learned counsel for the Petitioner that he wants to raise all the grounds taken in this application at the time framing of charge, this Court deems it proper to dispose of the application by granting liberty to the Petitioner to raise the grounds taken in this application at the time of framing of charge by filing a discharge application. In the event, any such application for discharge is filed, the learned trial court shall consider the same keeping in view the materials collected in course of investigation and dispose of such application by passing a speaking and reasoned order.

7. With the aforesaid observations and directions, the CRLMC application stands disposed of.

(A.K. Mohapatra)

Judge

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