

**IN THE HIGH COURT OF ORISSA AT CUTTACK****CRLMC No.3355 of 2025**

(In the matter of an application under Section 482 of Criminal Procedure Code, 1973).

Rasmita Das & Ors.

....

Petitioner(s)***-versus-******State of Odisha & Anr.***

....

Opposite Party (s)

Advocates appeared in the case through Hybrid Mode:

For Petitioner(s)

:

*Mr. Manoranjan Acharya, Adv.**For Opposite Party (s)*

:

*Mr. Sonak Mishra, ASC
Mr. Manoranjan Padhi, Adv.
(for O.P.2).***CORAM:****DR. JUSTICE SANJEEB K PANIGRAHI****DATE OF HEARING:-22.01.2026****DATE OF JUDGMENT:-27.02.2026*****Dr. Sanjeeb K Panigrahi, J.***

1. The Petitioners have instituted the present Criminal Miscellaneous Case under Section 482 of the Code of Criminal Procedure, 1973/ Section 528 of Bharatiya Nagarik Suraksha Sanhita, 2023, invoking the inherent jurisdiction of this Court, seeking quashing of the Complaint Case i.e. ICC Case No.16 of 2024, of the file of the Learned SDJM, Nayagarh.

I. FACTUAL MATRIX OF THE CASE:

2. The brief facts of the case are as follows:



- (i) On 28.02.2024 at 7.50 P.M., the Opp. Party No.2 lodged an F.I.R. before Nayagarh P.S. with respect to an incident alleged to have taken place earlier that day at about 1:00 PM. The said report was registered as Nayagarh P.S. Case No. 65 of 2024 under Section 341, 294, 323, 354, 379, 506, 34 of IPC.
- (ii) Upon completion of investigation, the Investigating Officer submitted the charge-sheet on 31.03.2024 against all the Petitioners for the aforesaid offences before the learned jurisdictional Court.
- (iii) The Opp. Party No.2, who is the Informant in the case registered at Nayagarh P.S., despite being fully aware that investigation had already been set in motion pursuant to the F.I.R., instituted an I.C.C. case before the Court of the learned SDJM, Nayagarh on dated 29.02.2024 in respect of the self-same incident. The learned SDJM Court, Nayagarh proceeded with the said complaint and was pleased to take cognizance of offences under Section 341, 232, 294, 354, 379, 395, 506, 307 and 34 IPC against all the Petitioners.
- (iv) It is further stated that dated 22.10.2024 passed by the learned SDJM, Nayagarh in the complaint case, whereby cognizance was taken and a proceeding was allowed to continue parallel to the G.R. Case arising out of the police report, is unsustainable in law, being in clear contravention of the provision contained under Section 210 of Cr.P.C, 1973, and has thereby caused serious prejudice to the Petitioners.



- (v) It is stated that the very institution of the complaint case, as well as the consequential order of cognizance passed therein, being otherwise illegal and unsustainable in the eye of law, are liable to be quashed in the interest of justice so as to prevent abuse of the process of the Court.
- (vi) Thereafter, cognizance of the offences was taken by the SDJM, Bhubaneswar, on 20.05.2022 in connection with Khandagiri P.S. Case No. 41 of 2016, corresponding to C.T. Case No. 403 of 2016, under Section 279, 337, 338 and 304(A) of IPC.

Being aggrieved by the aforesaid facts and circumstances, the Petitioner has been constrained to approach this Court by filing the present CRLMC Application seeking appropriate relief in accordance with law.

II. COURT'S REASONING AND ANALYSIS:

3. Heard Learned Counsel for parties and perused the documents placed before this Court.
4. In light of the forgoing facts and circumstances of the case, this Court is of the considered opinion that the contention advanced on behalf of the Petitioners merits acceptance. The order of the cognizance passed by the learned SDJM, whereby a complaint proceeding has been permitted to continue parallel to the G.R. Case arising out of the police report, cannot be sustained in the eye of law. The same is in clear contravention of the mandate embodied under Section 210 of Cr.P.C., 1973, which is intended to obviate simultaneous proceedings in respect of the self-same occurrence. Such deviation from the statutory



scheme has resulted in grave prejudice to the Petitioners and amounts to an abuse of the process of Court.

5. It is contended on behalf of the Petitioner that the complaint in question has been instituted by Opposite Party No.2 with oblique motives and malafide intent, solely with a view to wreak personal vengeance. It is further urged that the learned SDJM has proceeded to entertain the said complaint and take cognizance thereof in a mechanical manner, without due application of judicial mind and without adverting to the attendant facts and circumstances of the case. Such non-application of mind, it is submitted, vitiates the very order of cognizance and renders the same unsustainable in the eye of law.
6. The aim and object of Section 210 of Cr.P.C., 1973 is to obviate the anomaly of parallel proceedings in respect of the self-same offence and to ensure that there is no conflict of findings between a complaint case and a police case arising out of an identical set of facts. The implications of its non-adherence to the mandate of Section 210 Cr.P.C. have authoritatively expounded by the Supreme Court in *Dilwar Singh v. State of Delhi*,¹ wherein it has been held that:

“The principle has been statutorily recognised in Section 210 of the Cr.P.C. which enjoins upon the Magistrate, when it is made to appear before him either during the inquiry or the trial of a complaint, that a complaint before the police is pending investigation in the same matter, he is to stop the proceeding in the complaint case and is to call for a report from the police. After the report is received from the police, he is to take up the matter together and if cognizance has been taken on the police report, he is to try the complaint

¹ AIR 2007 SC 3234



case along with G.R. Case as if both the cases are instituted upon police report. The aim of the provision is to safeguard the interest of the accused from unnecessary harassment. The provisions of Section 210 Cr.P.C. are mandatory in nature. It may be true that non-compliance of the provisions of Section 210 Cr.P.C., is not ipso facto fatal to the prosecution because of the provision of Section 465 Cr.P.C., unless error, omission or irregularity has also caused the failure of justice and in determining the fact whether there is a failure of justice the Court shall have regard to the fact whether the objection could and should have been raised at an earlier stage in the proceedings."

7. In the case in hand, having regard to the facts and circumstances as delineated hereinabove, the contention advances on behalf of the Petitioners that they have been seriously prejudiced by reason of the impugned order of cognizance, passed in patent disregard of the mandate contained under Section 210 of Cr.P.C., 1973, cannot be lightly brushed aside.
8. Though this Court does not deem it apposite at this juncture to embark upon an elaborate adjudication of the said aspect, it considers it necessary to observe that the judicial process cannot be permitted to be employed as an instrument of oppression or harassment against any person. The sanctity of criminal jurisprudence lies in ensuring that the process of law is not converted into a means of vexation, but is exercise in consonance with statutory safeguards and settled principles governing fair procedure.
9. In the instant matter, it is borne out from the record that the complaint case bearing I.C.C. No. 16 of 2024 was instituted on 29.02.2024,



whereas the F.I.R. pertaining to the selfsame occurrence came to be lodged on 28.02.2024. Thus, the criminal law was set into motion through two separate channels in respect of the very same transaction and identical set of allegations. It is a settled proposition of law that for one and the same cause of action and in respect of the same occurrence, two parallel criminal proceedings cannot be permitted to continue simultaneously, as the same would amount to duplication of proceedings and abuse of the process of Court. Such a course is neither contemplated under the scheme of the Cr.P.C. nor permissible in the interest of fair administration of criminal justice.

10. Permitting both the police case arising out of the F.I.R. and the complaint case to proceed concurrently on identical facts would not only lead to conflicting findings but would also seriously prejudice the accused person, thereby offending the principles of natural justice. The criminal process cannot be allowed to be employed as an instrument of harassment by subjecting a person to double jeopardy in substance, if not in strict constitutional sense. Accordingly, continuation of both proceedings on the same set of allegations is legally unsustainable and liable to be interdicted to prevent abuse of the process of Court and to secure the ends of justice.
11. This Court is of the considered view that, in facts and circumstances of the present case, allowing the complaint case to proceed any further would serve no fruitful purpose and would, in effect, amount to an abuse of the process of law. When the. Selfsame allegations are already the subject matter of investigation and prosecution in the



police case, continuation of the complaint proceeding would only result in multiplicity of litigation and unnecessary harassment to the accused. The inherent jurisdiction of this Court under Section 482 of Cr.P.C. is intended to prevent abuse of the process of any Court and to secure the ends of justice. Where the continuation of a proceeding is manifestly attended with mala fide or is otherwise unsustainable in law, this Court would be justified in exercising such jurisdiction to interdict the same. Accordingly, the impugned order of cognizance passed in I.C.C. Case No. 16 of 2024, as well as the consequential proceeding arising therefrom, are liable to be and are hereby quashed.

III. CONCLUSION:

12. In view of the foregoing analysis, and after an anxious and careful consideration of the material facts and circumstances of the case, this Court is of the considered opinion that to quash and set aside the ICC Case No.16 of 2024 pending in the file of learned SDJM, Nayagarh and the order of cognizance taken on 22.10.2024 as well as consequential proceedings emanating therefrom, are liable to be quashed and set aside. Consequently, this Court is inclined to accede to the relief prayed for by the Petitioners.
13. Accordingly, the CRLMC stands **allowed**.
14. Interim order, if any, passed earlier stands vacated.

(Dr. Sanjeeb K Panigrahi)
Judge

Orissa High Court, Cuttack,
Dated the 27th February, 2026/