



IN THE HIGH COURT OF ORISSA AT CUTTACK

W.P.(C) No.28665 of 2025

Mahendra Nath Sahoo *Petitioner(s)*
Mr. Suryakanta Dwibedi, Adv.
-versus-
State of Odisha & Ors. *Opposite Party(s)*
Mr. Chitta Ranjan Swain, AGA

CORAM:

HON'BLE DR.JUSTICE SANJEEB K PANIGRAHI

Order No.

02.

ORDER

23.03.2026

1. This matter is taken up through hybrid arrangement.
2. In filing this CRLMC, the Petitioner claiming to be misbehaved by the OIC, Kundanagir Police Station, Kendrapara, has prayed for quashing the impugned order dated 04.07.2025 passed by the learned Member, Odisha Human Rights Commission in Complaint Case No.1281 of 2023.

Apart from the above, the Petitioner has also made the following prayer:-

- (a) Issue a writ of mandamus or any other appropriate writ directing the Opp. Party No.2 to reconsider the complaint of the petitioner and to conduct an impartial inquiry into the conduct of Opp. Party No.5; and
- (b) Direct the Opp. Party No.1 to initiate appropriate departmental / disciplinary action



against Opp. Party No.5 for his misconduct and abuse of the authority and official power:

(c) Pass any other appropriate writ/writs, order/orders and direction/ directions as this Hon'ble Court may deem fit and proper in the facts and circumstances of the case, in the interest of the justice.

3. Heard learned counsel for the respective parties and perused the record.
4. The factual scenario of the case in brevity remains:- Due to some civil dispute the Petitioner along with his son-in-law and some other persons of the said locality approached the concerned OIC, Kundanagiri Police Station, Kendrapara. But, the said OIC without hearing the grievance of the Petitioner scolded him in obscene languages in presence of the persons accompanied him. He, accordingly, filed a complaint before the learned Human Rights Commission, Odisha, Bhubaneswar.
5. Upon filing of the said complaint necessary inquiry was conducted and report to that effect was submitted before the learned Commission. Accordingly, based on the said report, the learned Commission passed the impugned order dated 04.07.2025 in the above noted Complaint Case. Hence, this Writ Petition.
6. Being aggrieved with the impugned order dated 04.07.2025 vide Annexure-1, learned counsel for the Petitioner submits that though the Petitioner in the said



complaint had filed an application with a prayer for examination of the persons who have witnessed the alleged occurrence, the learned Commission did not pay any attention to the said application and passed the impugned order dated 04.07.2025. He further contends that though the OIC has misbehaved the Petitioner in presence of Goura Charan Sahu, Niranjana Sahu and Dillip Sahu, they were never examined till passing of the impugned order. He, accordingly, prays for allowing the prayer made in this Writ Petition.

7. Considering the above submission made on behalf of the Petitioner, this Court is of the view that the duty of the Police is to be courteous while dealing with the disputes of the citizens and behave them properly. In present case, the above noted persons who are claimed to be the eye witnesses to the alleged occurrence, have not been examined. Hence, the Petitioner was deprived of getting a fair chance to prove his case before the learned Commission. This Court, therefore, while setting aside the impugned order dated 04.07.2025/Annexure-1 passed in the above noted complaint case, also remits the matter back to the learned Odisha Human Rights Commission for re-adjudication of the Complaint Case No.1281 of 2023 after providing opportunity of examination of the



above noted persons to the Petitioner and also in accordance with law.

8. This Writ Petition is, accordingly, disposed of.

(Dr. Sanjeeb K Panigrahi)
Judge

Ayaskanta