



IN THE HIGH COURT OF ORISSA AT CUTTACK

CRLMC No.1880 of 2026

Suryakanta Behera *Petitioner(s)*
Mr. Soumya Ranjan Pati, Adv.
-Versus-
State of Odisha & Anr. *Opposite Party (s)*
Mr. Debasish Nayak, AGA

CORAM:

DR. JUSTICE SANJEEB K PANIGRAHI

ORDER

01.07.2026

Order No.

01.

1. This matter is taken up through hybrid arrangement.
2. The Petitioner has filed this CRLMC with a prayer to quash the criminal proceeding against the Petitioner in connection with C.T Case No.829 of 2018 arising out of Mancheswar P.S. Case No.98 of 2018 pending before the learned JMFC(LR), Bhubaneswar.
3. The brief fact of the case is that on 21.02.2018 at 4.00 P.M, the Complainant, named, Pravanjan Das presented a written complaint before the IIC, Mancheswar Police Station stating that he and his wife Saraswati Mishra purchased a Plot at Gadakana Mouza near Rajadhani Engineering College in the year 1999 bearing Plot No-2188, Khata No-2090 measuring area an Ac.130 dec. He has constructed the boundary wall from the date of purchasing the land. On 17.02.2018 night, one Suryakant Behera(petitioner) owner of Megha Builder and his associates came



to his plot and broke the boundary wall of his land. On getting information, he and his wife came to the spot. Seeing them, Suryakant Behera and his associates assaulted them by using obscene languages and threatened to kill them. The builder and his associates threatened to leave the place or sale the Plot to the builder. Builder Suryakanta Behera also threatened him and his wife showing pistol that if he does not leave the spot, he will kill them.

4. Learned counsel for the Petitioner submits that after receiving the FIR, Mancheswar PS Case No. 98 dated 21.02.2018, corresponding to C.T. Case No. 829 of 2018 was registered. Subsequently, vide order dated 31.01.2022, cognizance was taken for commission of offences under Section 294/506/427 of IPC. Subsequently, vide order dated 08.10.2024, the petitioner was released on Bail. However, charge was framed under Section 294/506/427 of IPC. The matter was posted to 10.12.2024 for trial.

5. He further submits that in the meantime, as per the order dated 21.11.2022 passed by the learned CJM, Khurda vide Memo No. 28, the case record was transferred to the Court of the learned JMFC (LR & LTV), Khurda. Subsequently, the matter was on board on 10.12.2024, 16.01.2025, 20.02.2025, 02.04.2025, 24.04.2025, & 29.05.2025. However, no prosecution witness attended and the



matter did not progress further. Subsequently, on 30.07.2025 new counsel appeared and on 02.08.2025 advance petition was filed for grant of NOC for renewal of passport of the Petitioner. Subsequently, the prayer in the same petition was allowed. Thereafter, the matter was posted several times but till date no Persecution witness was examined. The case is pending since 2018 and as such, there is no material evidence available to make out a case against the Petitioner. It is submitted that the complainant has filed the present complaint case with an ulterior motive. Further, he is also not cooperating in proceedings of the case and, thus, there is delay in the proceeding of the case. Such delay caused by the prosecution amounts to abuse of process of court. In case the criminal proceeding initiated against the petitioner is not quashed, the petitioner would be adversely affected and his rights will be highly prejudice.

6. Upon hearing the learned counsel for the Petitioner and on going through the averments made in this petition, this Court is not inclined to accept the prayer as advanced by the learned counsel for the Petitioner. Accordingly, the prayer for quashing of the criminal proceeding against the Petitioner in connection with C.T Case No.829 of 2018 arising out of Mancheswar P.S. Case



No.98 of 2018 pending before the learned JMFC(LR), Bhubaneswar stands **rejected**.

7. The CRLMC stands disposed of, accordingly.

(Dr. Sanjeeb K Panigrahi)
Judge

Gitanjali