



IN THE HIGH COURT OF ORISSA AT CUTTACK

A.F.R.

CRLMC No.152 of 2025 and CRLMC No.153 of 2025

(In the matter of applications under Section 528 of B.N.S.S., 2023 read with Section 482 of the Code of Criminal Procedure, 1973.)

Tukuna @ Bichitra Kumar Sahoo ***Petitioner(s)***
(In CRLMC No.152 of 2025)
Tukuna @ Bichitra Kumar Sahoo &
Anr.
(In CRLMC NCo.153 of 2025)

-versus-

State of Odisha and Anr. ***Opposite Party (s)***

Advocates appeared in the case through Hybrid Mode:

For Petitioner(s) : ***Ms. Bini Mishra, Adv.***

For Opposite Party (s) : ***Mr. Debasish Nayak, AGA***
Mr. Suryanarayan Biswal, Adv.
(for O.P. No.2)

CORAM:

DR. JUSTICE SANJEEB K PANIGRAHI

DATE OF HEARING:-11.05.2026

DATE OF JUDGMENT:-25.06.2026

Dr. Sanjeeb K Panigrahi, J.

1. The petitioner has filed the present CRLMC challenging Charge-sheet No. 182 dated 25.06.2022 and the order dated 14.07.2022 passed by the learned J.M.F.C., Salepur in G.R. Case No. 405 of 2022 arising out of



Salepur P.S. Case No. 159 of 2022. By the impugned order, the learned Magistrate took cognizance of offences punishable under Sections 341, 294 and 506 IPC against the petitioner. The petitioner consequently seeks quashing of the cognizance order and the criminal proceeding pending before the learned J.M.F.C., Salepur.

I. FACTUAL MATRIX OF THE CASE:

2. The brief facts of the case are as follows:
 - (i) The criminal proceeding arose out of an incident allegedly occurring on 19.05.2022 at about 6.00 p.m. The informant, who is Opposite Party No. 2, alleged that the petitioner, with the assistance of masons and other labourers, was undertaking construction or modification over the disputed property despite an existing order of status quo passed by the Civil Court. When Opposite Party No. 2 reached the spot and objected to the construction, the petitioner allegedly abused him in obscene language, wrongfully restrained him and threatened him and his family members with serious consequences. Opposite Party No. 2 further alleged that the petitioner held a crowbar and attempted to poke it into his abdomen, following which the wife and daughter of Opposite Party No. 2 came to the spot and were also threatened.
 - (ii) The parties are members of the same extended family and are already contesting Civil Suit No. 220 of 2019 concerning title, possession and enjoyment of the property situated over Khata No. 835/931, Plot No. 944, Mouza Balisahi, Tahasil Salepur. The petitioner claims that the property was purchased in the name of Opposite Party No. 2 from joint family resources or from funds provided by the petitioner's side and



that the petitioner has been running a hardware business known as “Bharat Glass House” from the disputed premises. Opposite Party No. 2, on the other hand, claims to be the absolute recorded owner under Registered Sale Deed No. 439 dated 16.03.2010 and the corresponding Record of Rights.

- (iii) Before the alleged criminal incident, the learned Civil Judge, Senior Division, Salepur had, by order dated 25.11.2021 in I.A. No. 205 of 2019 arising out of C.S. No. 220 of 2019, directed both parties to maintain status quo over the suit property until disposal of the suit. The Civil Court found that the title documents prima facie stood in the name of Opposite Party No. 2, but that the petitioner’s possession and operation of a business from the premises were admitted. It therefore considered it necessary to preserve the existing state of possession and the nature of the property during the pendency of the suit.
- (iv) Following the FIR registered on 21.05.2022, the Investigating Officer examined the informant and other witnesses and cited eight witnesses in the charge-sheet. Charge-sheet No. 182 dated 25.06.2022 was thereafter submitted for offences under Sections 341, 294 and 506 IPC. Upon examining the police papers and materials collected during investigation, the learned J.M.F.C., Salepur took cognizance of those offences on 14.07.2022.

II. SUBMISSIONS ON BEHALF OF THE PETITIONER:

3. The Learned Counsel for the Petitioner earnestly made the following submissions in support of his contentions:



- (i) The petitioner contends that the allegations made by Opposite Party No. 2 are false, fabricated and motivated by personal hostility arising from the pending civil and family dispute. According to the petitioner, both parties belong to the same family and the criminal proceeding has been initiated as an instrument of pressure in the civil litigation concerning title and possession over the property. The petitioner maintains that the real object of Opposite Party No. 2 is to dispossess him from the premises where he has been operating the hardware business known as “Bharat Glass House”.
- (ii) The petitioner relies upon the order dated 25.11.2021 passed by the learned Civil Judge, Senior Division, Salepur, directing both parties to maintain status quo over the suit property. He asserts that the Civil Court recognised his existing possession and the fact that he was carrying on business from the premises. According to him, the civil order protects his possession and demonstrates that the dispute is essentially one concerning title, possession and enjoyment of immovable property, which ought to be adjudicated in the pending civil suit rather than converted into a criminal prosecution.
- (iii) The petitioner disputes the allegation that he was unlawfully interfering with the property or attempting to dispossess Opposite Party No. 2. His case is that Opposite Party No. 2 is attempting to use the criminal process to secure an advantage that has not been obtained in the civil proceeding. The FIR and charge-sheet are therefore described as products of personal vendetta and an attempt to give a criminal colour to a pre-existing civil dispute between family members.



- (iv) It is further contended that the Investigating Officer conducted a faulty investigation and submitted the charge-sheet without properly examining the background of the dispute and the order passed by the Civil Court. The petitioner alleges that the charge-sheet does not contain reliable material sufficient to establish the ingredients of Sections 341, 294 and 506 IPC and that the allegations have merely been accepted at face value without an objective assessment of their truthfulness.
- (v) The petitioner assails the cognizance order dated 14.07.2022 on the ground that it was passed mechanically and without proper application of judicial mind. According to him, the learned Magistrate relied upon the allegedly defective charge-sheet without adequately considering the civil litigation, the status quo order and the motive of Opposite Party No. 2. On these grounds, the petitioner seeks quashing of the cognizance order and all consequential criminal proceedings to prevent alleged abuse of the process of the Court.

III. SUBMISSIONS ON BEHALF OF THE OPPOSITE PARTIES:

4. The Learned Counsel for the Opposite Parties earnestly made the following submissions in support of his contentions:
- (i) Opposite Party No. 2 contends that the FIR contains specific allegations constituting independent criminal offences and is not merely an extension of the civil dispute. According to him, the petitioner deliberately violated the status quo order by attempting to alter or partially modify the disputed building with the assistance of masons and labourers. When Opposite Party No. 2 protested, the petitioner allegedly abused him in obscene language, restrained and threatened



him, held a crowbar against him and threatened to eliminate his family members. The existence of a civil dispute, according to Opposite Party No. 2, does not erase the criminality of these alleged acts.

- (ii) It is submitted that the allegations in the FIR are supported by the statements of witnesses recorded under Section 161 Cr.P.C. The Investigating Officer examined the material witnesses and cited eight witnesses in the charge-sheet, all of whom allegedly supported the occurrence and attributed the relevant acts to the petitioner. The learned Magistrate therefore had sufficient prima facie material before him to take cognizance under Sections 341, 294 and 506 IPC, and the truthfulness or evidentiary value of those statements can be tested only during trial.
- (iii) Opposite Party No. 2 asserts that he is the absolute recorded owner of the disputed property by virtue of Registered Sale Deed No. 439 dated 16.03.2010 and the Record of Rights published in his name under Khata No. 835/931, Plot No. 944, Mouza Balisahi, Tahasil Salepur. He disputes the petitioner's claim that the property was purchased from joint family funds or that the petitioner possesses any ownership interest in it. According to him, the petitioner occupied the building and carried on business there only with his permission but subsequently stopped paying rent and relied upon an allegedly fabricated family partition document.
- (iv) It is argued that the petitioner cannot take advantage of the civil status quo order to undertake fresh construction or alter the nature and character of the property. Opposite Party No. 2 maintains that the order



bound both sides and that the petitioner's attempt to modify the building was itself contrary to the purpose of preserving the property during the pendency of the suit. The criminal case allegedly arose not from the mere existence of competing civil claims but from the petitioner's subsequent acts of abuse, intimidation and obstruction when Opposite Party No. 2 objected to the construction.

- (v) Opposite Party No. 2 relies upon judicial decisions, including *Mohammed Ibrahim v. State of Bihar*¹, and *Indian Oil Corporation v. NEPC India Ltd.*², to contend that a criminal proceeding cannot be quashed merely because the transaction or background also involves a civil dispute. He submits that where the allegations independently disclose criminal offences and are supported by investigative material, the accused must face trial. The present CRLMC is therefore stated to be devoid of merit and liable to be dismissed.

IV. ANALYSIS OF THE ORDER OF THE LOWER COURT:

5. The Learned Civil Judge made the following observations:
- (i) The learned Civil Judge examined the application for temporary injunction by applying the three established requirements of a prima facie case, balance of convenience and irreparable injury. The Court did not finally determine ownership of the property. It expressly noticed that the registered sale deed and mutation records stood in the name of Opposite Party No. 2 and observed that his prima facie documentary title could not be ignored. At the same time, the Court distinguished

¹ (2009) 8 SCC 751

² (2006) 6 SCC 736



documentary title from existing physical possession and found that the petitioner's possession and operation of a business from the premises were substantially admitted by both sides.

- (ii) On the question of possession, the Civil Court found that Opposite Party No. 2 himself admitted having allowed the petitioner to run a business from the suit premises. Although Opposite Party No. 2 characterised the petitioner as a tenant, he did not produce any lease agreement or clearly disclose the rate of rent allegedly payable. The Court therefore concluded that the precise nature of the petitioner's possession, whether as a tenant or under a family arrangement, required evidence and could be finally decided only in the civil suit. This unresolved but admitted possession was considered sufficient to establish a prima facie case for its interim protection.
- (iii) The Civil Court found the balance of convenience in favour of preserving the petitioner's possession because a status quo arrangement had already been operating since 14.01.2020 and the petitioner was conducting an established business from the property. It reasoned that sudden dispossession would cause greater hardship to the petitioner by interrupting his business, whereas maintenance of the existing position would merely preserve the property until the competing claims were adjudicated. The order was thus intended to prevent either party from altering the factual position during the pendency of the suit.
- (iv) On irreparable injury, the Court observed that dispossession would not merely cause an easily measurable financial loss but could result in discontinuation of the petitioner's business and loss of its goodwill and



commercial standing. Re-establishing a business with the same degree of prosperity might not be possible, making monetary compensation inadequate. The Court also considered that any transfer or alteration of the property during the pendency of the suit could create third-party rights, lead to multiplicity of proceedings and obstruct the effective adjudication of the civil dispute.

- (v) The lower court ultimately allowed the application under Order XXXIX Rules 1 and 2 CPC and directed both parties to maintain status quo over the schedule property until disposal of the suit. Importantly, the order did not declare the petitioner to be the owner, nor did it authorise either party to undertake new construction or alter the nature and character of the property. It merely protected the existing state of possession and the property itself. Consequently, whether the petitioner's alleged construction on 19.05.2022 violated that order and whether the alleged threats and abusive conduct occurred are separate factual questions arising in the criminal proceeding, which were not adjudicated by the Civil Court.

V. JUDGMENT AND ANALYSIS:

6. Heard Learned Counsel for the parties and perused the documents placed before this Court.
7. This petition under Section 482 (528 of the BNSS/CrPC) challenges the cognizance of offences under Sections 341, 294 and 506 IPC arising from an incident on 19.05.2022 at the disputed family property. Opposite Party No.2, the informant, alleges that the petitioner, in the course of making alterations to the building, wrongfully restrained him, abused



him in obscene language, and threatened him (and his family) with injury using a crowbar. The petitioner, on the other hand, contends that these allegations are false and concocted in the backdrop of a pending civil dispute over title and possession of the same property, and that the criminal case is an abuse of process.

8. The High Court's inherent jurisdiction under Section 482 is broad but must be exercised sparingly. As reiterated by the Supreme Court, Section 482 is to be invoked only to prevent abuse of the process of court or to secure the ends of justice. The test is whether the facts set out in the complaint or FIR, if accepted as true, disclose a cognizable offence. In *State of Haryana v. Bhajan Lal*³, the Supreme Court identified several categories warranting quashing, including cases where the allegations even accepted in entirety do not prima facie constitute any offence, or where proceedings are demonstrably mala fide and instituted with an ulterior motive. It is well settled that the High Court must not conduct a mini-trial at this stage; rather, it must assume the veracity of the FIR's allegations unless they are absurd, inherently improbable or barred by law.
9. The Supreme Court has repeatedly emphasized that criminal prosecutions should not be used as a shortcut to leverage civil disputes or to harass the accused. However, the mere pendency of a civil suit or status-quo order does not by itself cloak wrongful acts in immunity if those acts, on their face, disclose separate offences.

³ 1992 suppl. (1) SCC 335



10. Applying these principles, we examine the FIR's allegations. The informant's complaints, taken at face value, describe distinct offences: Section 341 (wrongful restraint) for physically preventing him from proceeding, Section 294 (obscene words) for abusive language, and Section 506 (criminal intimidation) for threatening him and his family at knifepoint. On the material on record, including statements of eight witnesses, these allegations, if true, prima facie satisfy the ingredients of Sections 341 and 506 IPC.
11. In *Indian Oil Corpn* (supra), the Supreme Court cautioned that commercial or family disputes should not be converted into criminal cases unless a cognizable offence is made out by the complaint. In that case the Court affirmed a finding that the averments did constitute offences and that the pendency of extensive civil litigation did not bar criminal proceedings. The Court held as follows:

"While on this issue, it is necessary to take notice of a growing tendency in business circles to convert purely civil disputes into criminal cases. This is obviously on account of a prevalent impression that civil law remedies are time consuming and do not adequately protect the interests of lenders/creditors. Such a tendency is seen in several family disputes also, leading to irretrievable break down of marriages/families. There is also an impression that if a person could somehow be entangled in a criminal prosecution, there is a likelihood of imminent settlement. Any effort to settle civil disputes and claims, which do not involve any criminal offence, by applying pressure through criminal prosecution should be deprecated and discouraged."



12. Similarly, here the status-quo order of the Civil Court, dated 25.11.2021, recognized the petitioner's possession of the premises but prohibited any change in the property. The FIR alleges that the petitioner defied that order by undertaking construction work and, when challenged, committed the acts in question. Whether the petitioner indeed had a lawful right to alter the premises is a matter for the civil court or for the trial. What matters for Section 482 is that the FIR, on its face, alleges acts (restraint and threats) that amount to distinct criminal offences, irrespective of the underlying title dispute.
13. The petitioner's grievance is that the prosecution is a product of personal animosity and a bid to secure advantage in the civil suit. There are multiple precedents that have warned that criminal prosecution must not be allowed to be an instrument of harassment or private vendetta. In fact, in *Inder Mohan Goswami v. State of Uttaranchal*⁴, the Supreme Court held that filing criminal complaints purely to pressurize a party in civil litigation is an abuse of process. The relevant excerpts are produced below:

"The court must ensure that criminal prosecution is not used as an instrument of harassment or for seeking private vendetta or with an ulterior motive to pressure the accused. On analysis of the aforementioned cases, we are of the opinion that it is neither possible nor desirable to lay down an inflexible rule that would govern the exercise of inherent jurisdiction. Inherent jurisdiction of the High Courts under Section 482 Cr.P.C. through wide has to be exercised sparingly, carefully and with caution and only when it is justified by the tests specifically laid down in the Statute

⁴ AIR 2008 SUPREME COURT 251



itself and in the aforementioned cases. In view of the settled legal position, the impugned judgment cannot be sustained.”

14. However, malice or ill-motives are generally to be inferred only if the complaint is shown to be inherently lacking any legal basis. Here, the informant has asserted that the petitioner physically intervened and threatened violence. He did not merely allege a disputed title, but active criminal conduct when confronted at the site. The investigating officer recorded statements corroborating these events and filed a charge-sheet. The learned Magistrate, on considering the investigation papers, took cognizance of the offences on 14.07.2022. There is no suggestion that the Magistrate did not apply his mind; on the contrary, the charge-sheet and statements furnished sufficient prima facie material. In the absence of any clear illegality or bar to investigation, the Magistrate's order cannot be interfered with lightly.
15. Indeed, as the Supreme Court emphasized in *Punit Beriwal v. State (NCT of Delhi)*⁵, the High Court must accept the FIR's averments as true and should not stifle a prosecution where prima facie material exists. Defences such as a consent to possess or even after-the-fact civil settlement must be tested at trial, not by 482 petition at the threshold. The petitioner has pointed to no express legal provision, nor any settled position of law, which justifies quashing in the face of these charges and supporting statements.
16. In sum, the facts alleged, if proved, constitute cognizable offences which the complainant has a right to pursue. The existence of the pending civil

⁵ 2025 INSC 582



suit and the status-quo injunction does not render these allegations non-justiciable in criminal law. On the contrary, if the petitioner did wrongfully restrained the informant/complainant on the property and used a weapon to intimidate him, that is a matter for the criminal court to adjudicate. There is no demonstration of a patent lack of offence or of any egregious abuse of process justifying the extraordinary relief of quashing. The petitioner will be free to challenge the veracity of the allegations at trial, and to point out any infirmity in the prosecution's evidence; but at this juncture the High Court cannot supplant the trial court's function.

17. For these reasons, taking the FIR and charge-sheet material at face value, the petition fails to make out any case for interference. The cognizance order of 14.07.2022 is not vitiated by error of law or fact on its face.
18. The petitions are, accordingly, **dismissed**. All consequential proceedings shall continue before the learned Magistrate.
19. Interim order, if any, passed earlier stands vacated.

(Dr. Sanjeeb K. Panigrahi)
Judge

*Orissa High Court, Cuttack,
Dated the 25th June, 2026/*