

IN THE HIGH COURT OF ORISSA AT CUTTACK

WP(C) NO.4967 OF 2022

Susmita Rangoli

....

Petitioner

Mr.P.K.Mishra, Adv.

-versus-

***Registrar, Orissa Human Rights
Commission & anr.***

....

Opposite Party(s)

Mr.Dash, Adv. for O.P.2

**CORAM:
JUSTICE BISWANATH RATH**

**ORDER
25.2.2022**

**Order
No.**

01.

1. Heard learned counsel for the Parties.
2. Learned counsel for the Petitioner submits that in spite of bringing a case of innocence and action on unintentional and bona fide, the Human Rights Commission failed in appreciating the same in the enquiry held at the instance of the Human Rights Commission on the complain of the Complainant involved therein and O.P.2 herein.
3. Considering the grounds raised, the submissions made and going through the final order of punishment passed by the Human Rights Commission in OHRC Case No.559/2020, this Court finds, in the process of enquiry and from the Records, the Commission clearly noticed that there is tampering in the notice of appearance of

accused in the Police Station. The Commission also noticed that there is showing over anxiety by present Petitioner, the I.O. The I.O. was provided with opportunity of compliance report. Petitioner being noticed has also filed her written statement, which was not satisfactory. The Human Rights Commission not only acted clearly in terms of the provision of the Act involved but even has entered into enquiry through competent authority. Not only that in the enquiry, there is also involvement of the Petitioner herein. Further after receipt of the enquiry entangling the Petitioner in the allegation raised through the complain, before passing recommendations and fine, there has been also opportunity of contest to the Petitioner. From the discussions in the impugned order, this Court finds, there has been consideration of the plea of innocence raised by the Petitioner and it is ultimately on the basis of a strong report and the Petitioner unable to establish her case beyond bona fide and unintentional, the Human Rights Commission even though finds, there is serious negligence and action contrary to established principle in the case of arrest involving offence under Section 498(A) of I.P.C. instead of recommending initiation of Departmental Proceeding taking a lenient has come to close the proceeding on imposition of penalty of sum of Rs.2.00 lakh to be paid to the victim

and at the same time, the Human Rights Commission has also directed the Authority to take steps to send both the Officers for appropriate training about investigation and causing arrest.

4. It is in the circumstance, this Court finds, there is appropriate consideration by the Commission and such order surfaced after providing opportunity to the Petitioner at each stage of the matter leaving no scope for this Court to interfere in such order. This Court, therefore, declines to interfere with the impugned order.

5. The Writ Petition thus stands dismissed but after hearing at the admission stage itself.

M.K.Rout

