

IN THE HIGH COURT OF ORISSA AT CUTTACK

CRLMP No.468 of 2022

Sushri Sangita Das **Petitioner**

*Mr. S. Mishra,
Advocate*

-versus-

State of Odisha & others **Opp. Parties**

*Mr. Sk. Zafarulla,
Additional Standing Counsel*

**CORAM:
JUSTICE BISWAJIT MOHANTY**

**ORDER
22.03.2022**

Order No.

- 01.
1. This matter is taken up through video conferencing mode.
 2. Heard Mr. Mishra, learned counsel for the petitioner and Mr. Zafarulla, learned Additional Standing Counsel.
 3. According to Mr. Mishra, the petitioner is aggrieved by the tardy manner in which investigation is proceeding in connection with Bhadrak Twon P.S. Case Nos.429 dated 16.11.2021 registered for commission of offences under Sections 498-A/323/294/420/506/34 I.P.C.
 4. Mr. Zafarulla relying on the decisions of the Supreme Court in the cases of **Sakiri Vasu v. State of U.P. & others** reported in **(2008) 2 SCC 409** and **Sudhir Bhaskar Rao Tambe v. Hemant Yashwant Dhage and others** reported in **(2016) 6 SCC 277** submits that instead of approaching the jurisdictional Magistrate under Section 156(3), Cr.P.C., the petitioner has unnecessarily rushed to this Court. He further submits that in the aforesaid decision, the Supreme Court has made it clear that when after registering the F.I.R., if no proper investigation is

made, it would be open to the aggrieved person to file an application under Section 156(3) Cr.P.C. before the learned Jurisdictional Magistrate and if such an application is filed, appropriate direction can be issued by the learned Magistrate.

5. In such background, Mr. Mishra submits that liberty may be granted to the petitioner to approach the learned jurisdictional Magistrate under Section 156(3), Cr.P.C.

6. Considering the submissions made and without expressing any opinion on the merits of the case, this Court grants liberty to the petitioner to approach the jurisdictional Magistrate under Section 156(3) Cr.P.C. duly supported by an affidavit within a period of two weeks. In the event, such an application is filed, the jurisdictional Magistrate is directed to proceed with the same in accordance with law, if there is no other impediment.

7. Accordingly, this CRLMP is disposed of.

8. Urgent certified copy of this order be granted on proper application.

Prasant

