

**IN THE HIGH COURT OF ORISSA AT CUTTACK**

**CRLMC No.1397 of 2019**

***Sankarsan Mallick & others* .... *Petitioners***

***-versus-***

***State of Odisha & another* .... *Opposite Parties***

**CORAM: JUSTICE S.PUJAHARI**

**ORDER**

**25.04.2022**

**Order**  
**No.**

- 04.
1. This matter is taken up through Hybrid mode.
  2. Heard learned counsel for the Petitioners and the learned counsel for the Opposite Party No.2.
  3. The Petitioners in this case have sought for quashment of the order dated 13.02.2019 by the learned S.D.J.M., Dhenkanal ICC Case No.134 of 2018 wherein the learned S.D.J.M has taken cognizance under Section 500 IPC against them.
  4. It appears that the Petitioners are the members of Utkal Kalyan Shikyaka Sangha, Dhenkanal. They made several complaints against the Opposite Party No.2, who is the Ex-Headmaster of Kathagada Ashram School, Dhenkanal, which

was duly enquired into by the authority concerned and the authority had given him a clean chit. Thereafter, Opposite Party No.2 filed the aforesaid complaint case being defamed by the members of the so-called Sangha. On the basis of such complaint, inquiry was conducted, initial statement was recorded under Section 202 Cr.P.C. and summons was issued to the members of the Sangha-present Petitioners. It is stated that since the inquiry was not conducted properly and by an extraneous consideration the authority had given the Opposite Party No.2 clean chit such complaint cannot form a foundation for defamation against the Petitioners. Hence, such complaint lodged being actuated with mala fide, the court should not have taken cognizance under Section 500 IPC against them.

5. Learned counsel for the Opposite Party No.2 submits that since the Opposite Party No.2 has been harassed and defamed by different frivolous allegations made by the members of the so-called Sangha and it was found to be false, he has filed the aforesaid complaint case against them for defaming him and the court after finding a prima facie case against the present Petitioners has proceeded against the

Petitioner and taken cognizance under Section 500 IPC. Therefore, this Court should not interfere with the impugned order.

6. After hearing learned counsel for the parties and going through the materials available on record, this Court is of the view that the court after considering the materials available on record and the evidence adduced against the present Petitioners and since a prima facie case is made out against the Petitioners has taken cognizance against the Petitioner, this Court finds no merit in this Criminal Misc. Case.

7. Accordingly, this Criminal Misc. Case filed by the Petitioners being devoid of merit stands dismissed.

8. Interim order passed earlier stands vacated. This order be communicated to the trial court immediately.

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

**(S. Pujahari)**  
**Judge**