

IN THE HIGH COURT OF ORISSA AT CUTTACK

ABLAPL No.5424 of 2022

Harekrushna Patra and another ***Petitioners***
Mr. D. Tripathy, Advocate
-versus-
State of Odisha ***Opp. Party***
Mr. P.C. Das, A.S.C.

CORAM:

JUSTICE A.K. MOHAPATRA

ORDER
04.08.2022

Order No.

- 02.
1. This matter is taken up through Hybrid Arrangement (Virtual /Physical Mode).
 2. Heard learned counsel for the petitioners and learned Additional Standing Counsel for the State.
 3. Learned counsel for the petitioners submits that the petitioners are senior citizen filed this application seeking protection against arrest by Kendrapara Town Police Station. Although no F.I.R. registered as yet, learned counsel for the petitioners submits that the petitioners have been harassed by the police on the ground that the petitioners tortured their daughter-in-law.
 3. It is submitted by leaned counsel for the petitioner sthat till date, no F.I.R. has been registered by the police.
 4. Considering the facts and accepting the allegations only under Section 498-A, I.P.C., this Court is of the opinion that in the event such case F.I.R is registered by the police, the mandatory procedure under Section 41-A of the Code of Criminal Procedure is required to be

followed.

5. In such view of the matter, the ABLAPL is not maintainable and accordingly, the same is dismissed.

(A.K. Mohapatra)
Judge

Jagabandhu

