

IN THE HIGH COURT OF ORISSA AT CUTTACK

CRLMC No.459 of 2016

Akhil Poddar

Petitioner
..
Mr. A.C.Panda, Advocate

-versus-

Magma Fincorp Limited

Opp. Party
Ms.S.Patnaik, AGA

**CORAM:
JUSTICE CHITTARANJAN DASH**

ORDER
16.09.2022

Order No.

04.

1. The learned counsel for the Petitioner is present.
2. The learned counsel for the Opp.Party submits that the Complainant has already made good the claimed amount in seven installments by the date the complaint was lodged and as such there is no cause of action to bring the complaint against the Opp.Party.
3. Mere issuance of notice in itself does not infringe the right of the parties whereupon miscarriage of justice is said have occasioned. On the contrary, dispute with regard to the payment or none payment cannot be gone into in this proceeding. As such it is not desirable for this Court to invoke the jurisdiction under section 482 of the Cr.P.C. However, the matter can well be adjudicated before the learned court below in accordance with law.
4. In view of the above, this Court is not inclined to interfere in the impugned order. Accordingly this CRLMC is dismissed.

(Chittaranjan Dash)
Judge