

IN THE HIGH COURT OF ORISSA AT CUTTACK

ABLAPL No.10377 of 2022

Bharati Patra

....

Petitioner

Mr. Kishore Kumar Mishra, Advocate

-versus-

State of Odisha & Others

....

Opposite Parties

Mr. Sitikant Mishra, A.S.C.

CORAM:

JUSTICE A.K.MOHAPATRA

ORDER

17.10.2022

Order No.

03. 1. This matter is taken up through Hybrid Arrangement (Virtual /Physical Mode).
2. Heard learned counsel for the Petitioner and learned Addl. Standing Counsel for the State.
3. Apprehending arrest by police in a case likely to be lodged by the proposed Informant, the Petitioner has approached this Court for protection under Section 438, Cr.P.C.
4. Learned counsel for the State, on instruction, submits that till date no F.I.R. has been registered pertaining to the disputed property involved in this case.
5. Therefore, this Court is of the considered view that, since no F.I.R. has been registered as yet, there is no reason of apprehension of arrest. However, it is further observed that, in the event any F.I.R. is registered pertaining to the disputed property in question, in such event the Arresting Officer shall follow the mandatory procedure of

Section 41-A, Cr.P.C. in view of the judgment of the Hon'ble Supreme Court in the case of *Arnesh Kumar vs. State of Bihar and another, (2014) 8 SCC 273*, and shall see if the same ratio is applicable here in this case.

6. With the aforesaid observations, the ABLAPL is disposed of.
7. Urgent certified copy of this order be granted as per rules.

(A.K. Mohapatra)
Judge

S.K.Parida

