IN THE HIGH COURT OF ORISSA AT CUTTACK

CRLMP No. 339 of 2026

Sri Arjun Behera

….. ***Petitioner***

Ms. Soumi Das, Advocate
on behalf of Mr. Sibadutta Ramaprasad Mishra, Advocate

-versus-

1. State of Odisha
2. The Deputy Commissioner of Police, Bhubaneswar
3. The Inspector-in-Charge, Nayapalli, Bhubaneswar ….. ***Opposite Parties***

Mr. S.J. Mohanty, ASC

CORAM:

HON'BLE MISS JUSTICE SAVITRI RATHO

ORDER

09.04.2026

Order No. (Through hybrid mode)

04. 1. This CRLMP has been filed for a direction to the Opposite Party No.3 to arrest the accused persons as per the FIR and for a fair and impartial investigation and to provide protection to the life and property of the Petitioner.

2. This CRLMP has been filed on 6th March, 2026. It has also been stated in the petition that the accused persons are liable for commission of offence punishable under Sections 307 read with 109 BNS, 294 of IPC read with Section 296 of BNS, 120 (B) read with Section 61 of BNS, Section 34 of BNS & Section 420 IPC read with Section 318 of BNS.

3. The offences cannot be registered under the IPC as well as the BNS and the BNS was already in force when the alleged occurrence took place so the offences can only be registered for the offences under the BNS.

4. Pursuant to order dated 31.03.2026, Mr. S.J. Mohanty, learned Additional Standing Counsel produces the instructions dated 08.04.2026 of the IIC, Nayapalli Police Station where it is stated that on basis of written report of Smt. Jhunu Behera-wife of the Petitioner, Nayapalli P.S. Case No. 116 dated 25.02.2026 has been registered under Sections 126 (1)/ 115(2)/ 351 (2) of BNS against the Petitioner and the Petitioner was arrested and forwarded to the Court of the learned JMFC-III, Bhubaneswar and subsequently chargesheet has been submitted against the petitioner in the said case. It is also stated that after the incident, the Petitioner has absconded and concealed himself in the house of one Sibadutta Ramaprasad Mishra, Advocate in IRC Village, Nayapalli, Bhubaneswar and was engaged in day-to-day household work in the said house and when the Police went to the said house for apprehending the accused, the Police are not allowed to enter for which there was a quarrel between the owner of the house, the informant, her relatives and some local inhabitants

of Basti. In this connection Nayapalli P.S. Case No. 140 dated 09.03.2026 was registered under Sections 109 (2)/ 296/ 341 (2)/ 3 (5) of the BNS and all accused persons including the Petitioner's wife were arrested and notice under Section 35 (3) of the BNSS were served and the case is presently under investigation. After registration of Nayapalli P.S. Case No. 116/ 2026, as the Petitioner submitted a petition at this Police Station through post alleging that his wife had threatened him with dire consequences, the said petition is under enquiry.

5. Since Nayapalli P.S. Case No. 140 of 2026 has already been registered and is under investigation, no direction is required to be issued in this case.

6. The CRLMP is accordingly disposed of.

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

(Savitri Ratho)
Judge

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Signature Not Verified
Digitally Signed
Signed by: PUSPANJALI MOHAPATRA
Reason: Authentication
Location: Orissa High Court
Date: 10-Apr-2026 13:33:34