IN THE HIGH COURT OF ORISSA AT CUTTACK

CRLMC No. 3532 of 2026

CNR No. ODHC010707312026

Abhisek Mishra …. ***Petitioner(s)***

Mr. Manoj Kumar Mohanty, Advocate

-versus-

State of Odisha & Anr. …. ***Opp. Party(s)***

Mr. A.K. Apat, AGA

CORAM:

THE HON'BLE MR. JUSTICE SIBO SANKAR MISHRA

ORDER

Order No. **29.10.2026**

01. 1. Heard.

2. The petitioner is accused in connection with FIR in Panikoili P.S. Case No. 280 of 2026 corresponding to C.T. Case No. 1260 of 2026 pending in the file of learned JMFC, Jajpur Road for alleged commission of offence under section 420 of IPC.

3. The petitioner has invoked the jurisdiction of this Court under Section 528 of BNSS, 2023 and seeking quashing of the said FIR and consequential proceeding

arising therefrom.

4. It is undisputed that investigation in the present case is still going on.

5. The allegation against the petitioner as reflecting in the FIR is that the petitioner is the sole Proprietor of one Laxmi Traders, Dhenkanal. He has purchased the goods amounting to Rs.5,35,000/- from the informant Firm on credit basis in the year 2023-24. Out of the said amount, he has not paid Rs.4,31,467/- despite repeated reminders and persuasions by the informant. Therefore, the present complaint has been filed by the informant, inter alia, stating that the petitioner from the very beginning has intention to cheat the informant causing him wrongful loss. Therefore, a case under section 420 of IPC has been foisted upon the petitioner.

6. The petitioner on the other hand relying upon the accounts ledger maintained at his office contended that the amount has already been paid. He has very categorically contended in paragraph-5 as under:-

"5. That it is humbly submitted that the

petitioner doing regular business and for the financial year 2023-24, the petitioner has already paid the amount for his purchase from the informant company. The Ledger of the petitioner shows there is no balance amount to be paid to the informant company. The Ledger further shows for the financial year 2023-24, as on 19.03.2024 there was a balance amount of Rs.6,07,550/- and the petitioner had to be paid the said amount. On 03.04.2024 the petitioner has paid Rs.3,00,000/-, on 22.04.2024 the petitioner has paid Rs. 3,00,000/- and on 29.04.2024 the petitioner has paid Rs.75,550/- to the informant company by RTGS from Uco Bank, Dhenkanal. From the Ledger of the petitioner, it is very much clear that after 19.03.2024 the petitioner has not purchased any material from the informant company and the balance amount as on 19.03.2024 has already been paid by the petitioner to the informant company and there was no balance amount to be paid to the informant's company as alleged in the FIR. So, the petitioner has not committed any offence at all under Section -420 IPC. A copy of the Ledger for financial year 2023-24 in respect of Krupalu Refinery is annexed herewith as Annexure-2."

On the basis of the aforementioned, the petitioner seeks indulgence of this Court for quashing of the entire proceeding.

7. It is submitted by Mr. Mohanty, learned counsel for the petitioner that even if as allegation in the FIR made by the informant that some payment is due is

accepted at its face value, it would be at best a case of recovery, but in no stretch of imagination, the offence under section 420 is made out. Hence, the FIR should be quashed.

8. The State Counsel on the other hand submits that investigation in the present case is still going on. Therefore, at this stage invocation of jurisdiction of this Court under Section 528 of BNSS, 2023 is forbidden.

9. I have heard both the parties and perused the documents. From the allegations although it appears that this is a case of civil nature regarding the recovery of the dues, however since the investigation is at the nascent stage, this Court shall not scuttle the ongoing investigation in the midst, rather it would be appropriate that the petitioner shall furnish all the ledger accounts and other documents, as has been placed before this Court in this petition, before the Investigating Officer, who shall take into consideration the documents at the time of filing the report under Section 173 Cr.P.C.

(corresponding to 193 BNS).

10. With the aforesaid observation, the CRLMC is disposed of with liberty to the petitioner to approach this Court, if any cause of action survives.

Ashok

(S.S. Mishra)
Judge

Signature Not Verified
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Reason: Authentication
Location: High Court of Orissa
Date: 30-Oct-2026 19:12:51