IN THE HIGH COURT OF ORISSA AT CUTTACK
CRLMC No.3800 of 2026
CNR No. ODHC010795002026

Sunil Kumar Dash ..... ***Petitioner***

Represented by Adv. - P.anup Dash

-versus-

State Of Odisha ..... ***Opp. Party***

Represented by Adv. – T. Kumar, ASC

CORAM:
CORAM: JUSTICE SIBO SANKAR MISHRA

ORDER
12.11.2026

Order No.

01. 1. The petitioner has approached this Court seeking quashing of the order dated 13.07.2026 passed by the learned S.D.J.M., Dhenkanal, in G.R. Case No.963 of 2021, arising out of Dhenkanal Town P.S. Case No.326 of 2021.

2. Mr. P. Anup Dash, learned Senior Counsel appearing for the petitioner, submits that although the case originated from a complaint, the complainant has, in the meantime, passed away.

He draws the attention of this Court to the impugned order and submits that the learned Trial Court, while taking cognizance of the offences, has not assigned any reason in support of such decision. According to him, in the facts and circumstances of the case, it was incumbent upon the learned Trial Court to record reasons while taking

cognizance of the offences.Learned Senior Counsel has also drawn the attention of this Court to the merits of the case and has relied upon various documents, including the proceedings drawn up by the petitioner in Civil Suit No.44 of 2021. His essential contention is that the dispute between the parties is purely civil in nature.

3. However, at this stage, this Court is not inclined to enter into the merits of the case, particularly when the entire charge-sheet, the connected documents and the statements forming part of the charge-sheet are not available on record. Therefore, this Court is not inclined to entertain the present petition at this stage. However, liberty is granted to the petitioner to file an appropriate application before the learned Trial Court seeking discharge from the case. In the event such an application is filed, the learned Trial Court shall consider the contentions raised by the petitioner and pass a reasoned order in accordance with law.

4. Mr. Dash, learned Senior Counsel, has also placed reliance on two judgments, in the case between,***Jit VinayakArolkar v. State of Goa and Others,*** reported in ***2025 INSC 31*** and ***Md. Ibrahim and Others v. State of Bihar and Another,*** decided in ***Criminal Appeal No.1695 of 2009(SC)***.

5. The learned Trial Court, while considering the application for discharge, shall decide the same in accordance with law and shall also take into consideration the judgments relied upon by the petitioner.

6. Accordingly, this CRLMC is disposed of.

(S.S. Mishra)
Judge

Rati/Subhasish

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