

IN THE HIGH COURT OF ORISSA AT CUTTACK

CRLMP No.791 of 2022

Biswajit Pattanaik

....

Petitioner

Mr. S. Das, Advocate.

-versus-

State of Odisha & others

....

Opp. Parties

Mr. Ch. S. Mishra,

Additional Government Advocate.

CORAM:

DR. JUSTICE S.K. PANIGRAHI

ORDER

25.01.2023

Order No.

4. 1. This matter is taken up through Hybrid Arrangement.
2. Heard learned counsel for the petitioner and learned counsel for the State.
3. In this CRLMP, the petitioner challenges the inaction of the police in registering the complaint filed by the petitioner as F.I.R. and conducting proper investigation.
4. The petitioner, who is masquerading himself as an R.T.I. Activist / Social Activist, has no business to file the F.I.R. against one Reader in Zoology Department in A.D. Mahavidyalaya, Brahmagiri, Puri especially when the Government is looking into the issue raised by him. He

has still shown over alacrity by filing a complaint before the police which was not accepted by the police. It is pertinent to mention here that an enquiry has already been initiated by the Department of Higher Education, Govt. of Odisha. Since the Regional Director has already conducted an enquiry and rendered the findings and submitted the same before the appropriate authority. Now the Department of Higher Education is in seisin over the matter, person like the present petitioner is unnecessarily wasting the time of the Court by filing this type of case.

5. The petitioner can be classified as meddlesome interloper. He has deliberately tried to consume the time of court with a vested interest which has stopped the court from delivering justice to legitimate petitioners whose rights have actually been violated. In the landmark case of **Dnyandeo Sabaji Naik v. Pradnya Prakash Khadekar**¹ the Supreme Court of India had articulated that any attempt to misuse the legal system by the litigant must be negatively seen by the court and in order to deter others from doing the same exemplary cost must be imposed.

6. In such view of the matter, the petitioner is imposed a cost of Rs.50,000/- (Rupees Fifty Thousand only) as a deterrent measure to discourage such frivolous petitions

¹ (2017) 5 SCC 496

and not to repeat such type of misadventure in future. The said cost shall be deposited before the Orissa High Court Bar Association Welfare Fund within two weeks from today and the receipt thereof shall be filed before this Court.

7. The CRLMP is accordingly disposed of.

8. Issue urgent certified copy of this order on proper application.

amit

