

**A.F.R.**



**IN THE HIGH COURT OF ORISSA AT CUTTACK**

**CRLMC No. 537 of 2026**

(In the matter of an application under Section 528 of B.N.S.S., 2023 read with Section 482 of the Code of Criminal Procedure, 1973.)

*Reliance Industries Ltd. and Anr.* .... *Petitioner(s)*

*-versus-*

*Prafulla Kumar Mishra* .... *Opposite Party (s)*

Advocates appeared in the case through Hybrid Mode:

*For Petitioner(s)* : *Mr. N. Venkataraman, Sr. Adv.*  
*along with associates*  
*Mr. Aditya Swarup, Adv.*  
*Mr. Sanjeevi Seshadri, Adv.*  
*Mr. Ritesh Patnaik, Adv.*  
*Mr. Vappangi Sai Vara Prasad, Adv.*  
*Mr. B. Agarwal, Adv.*  
*Mr. Sarada Prasanna Sarangi, Adv.*

*For Opposite Party (s)* : *In person*

**CORAM:**

**DR. JUSTICE SANJEEB K PANIGRAHI**

**DATE OF HEARING:-19.02.2026**

**DATE OF JUDGMENT:-31.03.2026**

**Dr. Sanjeeb K Panigrahi, J.**

1. The petitioners, Reliance Industries Ltd. (Petitioner No.1) and Shri Mukesh Dhirubhai Ambani (Petitioner No.2), have approached this Court seeking to quash I.C.C. Case No.27 of 2025 pending before the learned S.D.J.M., Panposh, Rourkela, together with the summoning order dated 27th January 2026 passed therein. The gravamen of the



petition is that the impugned complaint represents the fourth round of criminal proceedings instituted by the very same complainant, on the very same factual foundation, arising from a telecom subscription transaction of the year 2003. The petitioners contend that the repeated institution of such proceedings constitutes a gross abuse of the process of this Court.

**I. FACTUAL MATRIX OF THE CASE:**

2. The brief facts of the case are as follows:
  - (i) In the year 2003, the opposite party subscribed to a telecom scheme popularly known as “Kar Lo Duniya Mutthi Mein” operated under the Reliance brand, paying a sum of Rs. 501 and undertaking to make monthly payments thereafter. A mobile handset was supplied to him through a local dealer, M/s Balajee Agencies. According to the opposite party, the handset was defective from the outset and the promised telecom services were never properly available. This transaction forms the sole foundation upon which every subsequent proceeding has been erected.
  - (ii) Aggrieved by what he perceived as a wrong done to him, the opposite party filed his first criminal complaint, being I.C.C. No. 237 of 2003 before the learned S.D.J.M. (P), Uditnagar, Rourkela, alleging offences under Sections 294, 420, 423, 506, 323 and 34 of the Indian Penal Code, 1860. That complaint was heard by this Court in CRLMC No. 963 of 2004, which quashed it on 03.01.2005, finding that the allegations, even taken at their highest, did not disclose any criminal offence against the petitioners.



- (iii) The opposite party was not satisfied. He filed a second criminal complaint, being I.C.C. No. 226 of 2004, alleging offences under Sections 199, 406, 409, 418, 420, 427, 468, 477(A) read with Section 34 of the Indian Penal Code, 1860, on substantially identical averments. That too was quashed by this Court in CRLMC No. 1924 of 2005 on 21.03.2006. And when the opposite party carried both quashing orders to the Hon'ble Supreme Court by way of Special Leave Petitions, being SLP (Crl.) No. 3216 of 2005 and SLP (Crl.) No. 1226 of 2007 respectively, those petitions were dismissed, thereby putting a seal of finality on the judicial conclusion that no criminal case lay against the present petitioners.
- (iv) Undeterred by these successive reverses, the opposite party instituted a third complaint by way of a protest petition, which came to be registered as I.C.C. Case No. 257 of 2016. The learned Magistrate, upon conducting inquiry, took cognizance only against Shri Vinay Kumar Gupta, the proprietor of M/s Balajee Agencies, and specifically declined to summon Petitioner No.2 for want of incriminating material. The opposite party challenged this refusal by way of a criminal revision petition, being Crl. Rev. P. No. 904 of 2016, which this Court dismissed on 06.03.2017, recording the observation that the appropriate remedy for his grievance would be to approach the consumer forum.
- (v) Even within the pendency of I.C.C. Case No. 257 of 2016, the opposite party filed an application under Section 319 of the Code of Criminal Procedure on 15.07.2023, praying that Shri Mukesh



Dhirubhai Ambani be added as an accused. The learned Magistrate rejected that application on 03.08.2023, observing that the complaint materials had already been fully considered at the cognizance stage and that no fresh evidence had come forward to justify the invocation of Section 319. The Magistrate further observed, and rightly so, that a criminal court does not possess the power to review or recall its own earlier order merely because the complainant remains dissatisfied with the non-summoning of a particular person.

(vi) The opposite party challenged the rejection of his Section 319 application before this Court in CRLMC No. 2192 of 2024. By order dated 07.08.2024, this Court upheld the trial court's order, finding no illegality therein and noting that the documents on record clearly showed that the payment of Rs. 501 was made to the company and not to any individual. No part of the 2003 transaction had any connection with the person sought to be added as an accused. This Court did, however, grant liberty to file a better application before the trial court in accordance with law.

(vii) In the teeth of this long and unbroken chain of adverse judicial findings, the opposite party filed yet another complaint, the present one, which has been registered as I.C.C. Case No. 27 of 2025. The learned Magistrate, upon recording the initial statement and inquiry evidence, issued summons to the petitioners on 27.01.2026. It is this summoning order and the complaint itself that is under challenge.



## II. SUBMISSIONS ON BEHALF OF THE PETITIONERS:

3. Learned counsel for the Petitioners earnestly made the following submissions in support of his contentions:

- (i) The present complaint is the fourth criminal proceeding instituted on the selfsame factual foundation by the very same complainant. The first two complaints, being I.C.C. No. 237 of 2003 and I.C.C. No. 226 of 2004, were quashed by this Court in CRLMC No. 963 of 2004 and CRLMC No. 1924 of 2005 respectively, after finding that the allegations, even if accepted in their entirety, did not make out any criminal offence. The Supreme Court dismissed the Special Leave Petitions, being SLP (Crl.) No. 3216 of 2005 and SLP (Crl.) No. 1226 of 2007, preferred against those quashing orders, thereby conferring finality upon the matter.
- (ii) Even in the third round, the learned Magistrate declined to take cognizance against Petitioner No.2, and the criminal revision (Crl. Rev. P. No. 904 of 2016) was dismissed by this Court with the specific observation that the remedy lay before the consumer forum. The Section 319 application met the same fate before two courts.
- (iii) The opposite party has deliberately suppressed the existence of the earlier quashing orders in CRLMC No. 963 of 2004 and CRLMC No. 1924 of 2005, the dismissal of SLP (Crl.) No. 3216 of 2005 and SLP (Crl.) No. 1226 of 2007, and the dismissal of the criminal revision in Crl. Rev. P. No. 904 of 2016. Being himself the complainant in all the prior proceedings, his awareness of these orders cannot be disputed.



Such wilful non-disclosure, designed to mislead the court into issuing summons afresh, constitutes a grave abuse of the judicial process.

- (iv) Reliance is placed upon the decision of the Hon'ble Supreme Court in *Krishna Lal Chawla v. State of Uttar Pradesh*<sup>1</sup> to contend that successive complaints on the same cause of action are impermissible, amounts to abuse of criminal process, and offend the guarantee of life and liberty under Article 21 of the Constitution.
- (v) Petitioner No.1, Reliance Industries Limited, has been wrongly arrayed in the complaint. The telecom entities connected with the 2003 transaction were Reliance Infocomm Limited, Reliance Communications Infrastructure Limited and Reliance Infocomm Services Limited, all of which are distinct corporate entities, unconnected with Petitioner No.1 for many years. Those entities are presently undergoing insolvency proceedings under the Insolvency and Bankruptcy Code, 2016, and any surviving monetary claim ought to be addressed through the Resolution Professional or through civil or consumer remedies.
- (vi) On these grounds, the petitioners pray that the complaint and the summoning order be quashed in exercise of the inherent jurisdiction of this Court.

### III. SUBMISSIONS ON BEHALF OF THE OPPOSITE PARTY:

- 4. The Opposite Party in person earnestly made the following submissions in support of his contentions:

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<sup>1</sup>(2021) 5 SCC 435.



- (i) He subscribed to the telecom scheme on the strength of assurances and publicity surrounding it, paid Rs. 501 and undertook monthly obligations, but the handset supplied was defective from the start and the services were never satisfactory. Despite repeated complaints and returns of the handset for repair, fabricated bills continued to be raised against him. He has been pursuing this grievance since 2003 and has suffered immensely, both financially and in terms of prolonged litigation.
- (ii) The liberty granted by this Court in CRLMC No. 2192 of 2024 to file a better application left room for further legal recourse, and his present complaint is a bona fide attempt to seek justice.
- (iii) During the hearing before this Court, the opposite party expressed willingness for settlement and mediation, and stated that this Court had earlier encouraged settlement. He stated that counsel for the petitioners had shown willingness to settle the matter by offering Rs. 3 lakhs towards litigation expenses, which, however, he found inadequate.
- (iv) The opposite party prays that the Court may grant him another chance for settlement or mediation, and take into account the long duration of his suffering before deciding the matter.

#### **IV. JUDGMENT AND ANALYSIS:**

- 5. Heard Learned Counsel for the Petitioners, the Opposite Party in person and perused the documents placed before this Court.



6. Before proceeding to the merits, it is necessary to survey the course of this litigation with some care. The dispute before this Court is not a fresh one. It is, in truth, a quarrel that goes back nearly twenty-three years, arising out of a telecom subscription of the year 2003 involving a sum of Rs. 501. What stands out is the disproportion between the trivial value of the original transaction and the sustained, almost unrelenting pursuit of criminal proceedings by the opposite party. On substantially the same set of facts, the present petitioners have been drawn into four separate complaints, two Special Leave Petitions, one criminal revision, and a further challenge to the rejection of a Section 319 application. At every stage, the courts have found no merit in the prosecution. Yet, despite these repeated findings, the opposite party has continued to reinitiate proceedings in one form or another.
7. The chronology speaks for itself. The first complaint (I.C.C. No. 237 of 2003) was quashed by this Court in CRLMC No. 963 of 2004 on 03.01.2005. The second complaint (I.C.C. No. 226 of 2004) met the same fate in CRLMC No. 1924 of 2005 on 21.03.2006. The Special Leave Petitions carried against both orders, being SLP (Crl.) No. 3216 of 2005 and SLP (Crl.) No. 1226 of 2007, were dismissed by the Hon'ble Supreme Court. In 2016, a third complaint came to be filed, where the learned Magistrate, upon due inquiry, declined to summon Petitioner No. 2 in the absence of any incriminating material. The criminal revision (Crl. Rev. P. No. 904 of 2016) assailing that order was dismissed by this Court on 06.03.2017, with



a clear observation that the appropriate remedy lay before the consumer forum. Even within those proceedings, the attempt to invoke Section 319 did not succeed, the application having been rejected on 03.08.2023, and the challenge to that rejection dismissed in CRLMC No. 2192 of 2024 on 07.08.2024. Despite this unbroken chain of unsuccessful attempts, I.C.C. Case No. 27 of 2025 has been instituted. The complaint, when examined, rests on the same transaction, the same allegations, and the same grievance. There is no intervening circumstance, no fresh material, and no change in law. The only difference is that the process has been set in motion once again.

8. The law on this question is well settled. The power of the High Court under Article 226 of the Constitution, read with its inherent jurisdiction, to quash criminal proceedings that are frivolous, vexatious, or constitute an abuse of the process of law, has been affirmed time and again. In *State of Haryana v. Bhajan Lal*<sup>2</sup>, the Supreme Court laid down the categories of cases in which the High Court may exercise this power. The Court observed as follows:

*“In the exercise of the extra-ordinary power under Article 226 or the inherent powers under Section 482 of the Code of Criminal Procedure, the following categories of cases are given by way of illustration wherein such power could be exercised either to prevent abuse of the process of any Court or otherwise to secure the ends of justice, though it may not be possible to lay down any precise, clearly defined and sufficiently channelised and*

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<sup>2</sup>AIR 1992 SC 604.



*inflexible guide in myriad kinds of cases wherein such power should be exercised:*

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*(g) where a criminal proceeding is manifestly attended with mala fide and/or where the proceeding is maliciously instituted with an ulterior motive for wreaking vengeance on the accused and with a view to spite him due to private and personal grudge."*

9. The present case falls squarely within the seventh category so enumerated. The complaint has been instituted not to vindicate any legitimate grievance, but to perpetuate a cycle of harassment against persons who have already been cleared on the merits by courts at every level.
10. The principle that successive complaints on the same cause of action by the same complainant are impermissible and amount to an abuse of the criminal process is no longer open to doubt. In *Krishna Lal Chawla (Supra)*, the Supreme Court quashed a fresh private complaint that had been filed years after an earlier complaint on the same incident. The Court held as follows:

*"Frivolous litigation should not become the order of the day in India. From misusing the Public Interest Litigation jurisdiction of the Indian courts to abusing the criminal procedure for harassing their adversaries, the justice delivery system should not be utilised for unjust means ... It is the constitutional duty of this Court to quash criminal proceedings that were instituted by misleading the court and abusing its processes of law, only with a view to harass the hapless litigants."*

11. The Court further observed that successive complaints by the same person, merely to improve upon earlier allegations that had failed,



amount to an abuse of the judicial process, and that suppression of earlier adverse orders aggravates the abuse and goes to the very root of fair play. These observations apply with full force to the facts of the present case.

12. Likewise, in *Upkar Singh v. Ved Prakash & Ors.*<sup>3</sup>, the Supreme Court explained the scope of the prohibition against successive complaints. The Court held:

*“Any further complaint by the same complainant or others against the same accused, subsequent to the registration of a case, is prohibited under the Code because an investigation in this regard would have already started and a further complaint against the same accused will amount to an improvement on the facts mentioned in the original complaint...”*

13. Though *Upkar Singh (Supra)* was rendered in the context of cognizable offences, the Supreme Court in *Krishna Lal Chawla (supra)* expressly held that the same principle applies where a person gives information of a non-cognizable offence and subsequently lodges a private complaint with respect to the same offence against the same accused person.
14. Applying these settled principles to the facts of the present case, the conclusion is inescapable. The opposite party has, over a span of more than two decades, instituted four criminal complaints on the same cause of action, involving the same parties, arising from the same transaction, and alleging the same grievance. The first two,

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<sup>3</sup>(2004) 13 SCC 292.



being I.C.C. No. 237 of 2003 and I.C.C. No. 226 of 2004, were quashed on merits in CRLMC No. 963 of 2004 and CRLMC No. 1924 of 2005 respectively. Then the petitioners travelled up to the Apex Court and the Court declined to interfere, dismissing SLP (Crl.) No. 3216 of 2005 and SLP (Crl.) No. 1226 of 2007. The third one resulted in cognizance only against the local dealer, with the refusal to summon Petitioner No.2 being upheld by this Court in Crl. Rev. P. No. 904 of 2016. The Section 319 application was rejected, and that rejection was upheld in CRLMC No. 2192 of 2024 as well. The judicial determination that Petitioner No.2 had no role in the 2003 transaction has been arrived at, not once or twice, but repeatedly, to courts at every level. And yet the present complaint has been filed without even a whisper of these adverse orders.

15. This is not a case of a litigant proceeding under a bona fide mistake or any excusable ignorance. The opposite party was the complainant in each of the earlier proceedings. He was present when the quashing orders were passed. He was present when the Special Leave Petitions were dismissed. He was present when the criminal revision was rejected. He was present when the Section 319 application was turned down. After which he once again approached the court with a fresh complaint, without disclosing any of these orders, this amounts to a clear abuse of the judicial process. It is well settled that a litigant invoking the jurisdiction of the court must make a full and candid disclosure of all material facts. Suppression of such material facts, particularly in criminal



proceedings, has consistently been held to vitiate the process and to warrant strict response from the courts. The omission of these earlier orders from the present complaint is not incidental. It is, in the considered view of this Court, a telling circumstance that bears directly on the nature and intent of the present prosecution.

16. In *Ram Dhan v. State of Uttar Pradesh*<sup>4</sup>, the Supreme Court has held that suppression of material facts before the court constitutes an abuse of its processes. Where a litigant resorts to the criminal process for what is essentially a civil wrong, and does so repeatedly while concealing earlier adverse findings, the courts must intervene to protect the accused from being subjected to unwarranted harassment. The present case is a textbook illustration of such misuse.

17. I am further of the view that allowing the present complaint to continue would cause real and irreparable prejudice to the petitioners. The Hon'ble Supreme Court has repeatedly cautioned that forcing an accused to defend successive prosecutions on the same facts is nothing but subjecting him to an endless ordeal. In *Krishna Lal Chawla* (supra), the Court observed:

*“Permitting multiple complaints by the same party in respect of the same incident, whether it involves a cognizable or private complaint offence, will lead to the accused being entangled in numerous criminal cases. As a result, he would have to continually give up his liberty and valuable time in front of the authorities and the courts, as required in each instance.”*

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<sup>4</sup>(2012) 5 SCC 536.



18. In *Vakil Prasad Singh v. State of Bihar*<sup>5</sup> and *R.S. Nayak v. A.R. Antulay*<sup>6</sup>, the Supreme Court recognised that the right to a speedy trial, which is an integral part of Article 21, extends to the preliminary stages of a criminal proceeding, including complaints and investigations. To compel Petitioner No.2, a respected corporate leader and Petitioner No.1, a corporate entity with no connection to the telecom entities involved in the 2003 transaction, to face renewed criminal prosecution for a consumer dispute of modest proportions, after twenty-three years and four rounds of litigation, would be an affront to the constitutional guarantee of life and liberty. The sword of criminal harassment cannot be permitted to hang over the heads of citizens who have already been cleared on the merits.
19. I must also observe that Petitioner No.1, Reliance Industries Limited, appears to have been wrongly impleaded. The telecom entities associated with the 2003 transaction, namely Reliance Infocomm Limited, Reliance Communications Infrastructure Limited and Reliance Infocomm Services Limited, are distinct and separate corporate bodies. The record before this Court does not disclose any material linking Petitioner No.1 to the 2003 transaction. Moreover, those telecom entities are presently undergoing insolvency proceedings under the Insolvency and Bankruptcy Code, 2016. If any civil or monetary grievance survives, the proper course would be to approach the Resolution Professional or to pursue appropriate civil

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<sup>5</sup>(2009) 3 SCC 355.

<sup>6</sup>(1992) 1 SCC 225.



or consumer remedies, not to launch criminal proceedings against unrelated entities.

20. There is a further and independent ground on which the summoning of Petitioner No.2 cannot be sustained. It is a cardinal principle of criminal jurisprudence that there is no vicarious liability in criminal law unless a statute expressly creates it. The general rule is that criminal liability is personal. A person may be held vicariously liable only where a specific statutory provision, such as Section 141 of the Negotiable Instruments Act, 1881, or the deeming provisions under the Food Safety and Standards Act, the Environmental Protection Act, or Section 34 of the Bharatiya Nyaya Sanhita, creates such liability by express language. In the absence of such a statutory foundation, the mere fact that a person occupies the position of chairman, managing director, or director of a company does not, by itself, render him criminally answerable for every act done in the company's name or in the name of its subsidiaries. The Supreme Court laid this down with force and clarity in *Sunil Bharti Mittal v. Central Bureau of Investigation*<sup>7</sup>, where the Court quashed the summoning order passed against the Chairman-cum-Managing Director of a telecom company in connection with the 2G spectrum allocation case. The Court held as follows:

*“The company is the accused person and the learned Special Magistrate has observed in the impugned order that since the appellants represent the directing mind and will of each company, their state of mind is the state*

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<sup>7</sup> (2015) 4 SCC 609



*of mind of the company and, therefore, on this premise, acts of the company are attributed and imputed to the appellants. It is difficult to accept it as the correct principle of law. This proposition would run contrary to the principle of vicarious liability detailing the circumstances under which a director of a company can be held liable.”*

21. The Court went on to hold that an individual, whether as a director, managing director, or chairman of a company, can be made an accused alongside the company only if there is sufficient evidence of his active role coupled with criminal intent, or where a statutory regime itself attracts the doctrine of vicarious liability by specifically incorporating such a provision. Merely holding a position of authority, without more, is not enough.
22. The question of what averments must be contained in a complaint before a person can be made vicariously liable was authoritatively settled by the three-Judge Bench of the Supreme Court in *S.M.S. Pharmaceuticals Ltd. v. Neeta Bhalla*<sup>8</sup>. The Court held:

*“There are almost unanimous judicial opinion that necessary averments ought to be contained in a complaint before a person can be subjected to criminal process. A liability under Section 141 of the Act is sought to be fastened vicariously on a person connected with a Company, the principal accused being the company itself. It is a departure from the rule in criminal law against vicarious liability. A clear case should be spelled out in the complaint against the person sought to be made liable.”*

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<sup>8</sup> (2005) 8 SCC 89.



23. The Court further held that merely being a director of a company is not sufficient to make the person liable. A director who was not in charge of and who was not responsible for the conduct of the business of the company at the relevant time will not be liable under the deeming provision. Though *S.M.S. Pharmaceuticals* (supra) was rendered in the context of Section 141 of the Negotiable Instruments Act, the underlying principle is one of general application: that in the absence of a statutory deeming provision, vicarious criminal liability cannot be imposed on the basis of designation alone, and a complaint must contain clear, specific and unambiguous averments as to the role and responsibility of the person sought to be made liable.
24. In the present case, the complaint does not invoke any statutory provision that creates vicarious criminal liability. No offence has been alleged under any special enactment containing a deeming provision. The complaint does not even allege that Petitioner No.2 was personally involved in the sale of the handset, the provision of telecom services, or the raising of bills. There is not a single specific averment connecting Petitioner No.2 to the actual transaction of 2003. The sole basis for arraigning him appears to be that he is the chairman of a corporate group. That, as the Supreme Court has held in the clearest terms, is not enough. The “Kar Lo Duniya Mutthi Mein” scheme was a mass-market telecom plan in which millions of subscribers participated. The handset was sold through a local dealer in Rourkela. The payment was made to the company. At no



point did Petitioner No.2 personally interact with the opposite party, personally sell the handset, personally promise the services, or personally raise any bill. To hold the chairman of a conglomerate criminally liable for a retail transaction conducted by a local dealer of a subsidiary company, twenty-three years after the fact, is so far removed from any recognised principle of criminal attribution that it cannot be sustained. On this independent ground as well, the summoning of Petitioner No.2 is liable to be set aside.

25. To put the matter in perspective, what the opposite party has effectively done is to summon the chairman of one of the largest corporate conglomerates in the country as an accused in a complaint about a defective mobile handset worth Rs. 501, sold by a local dealer in Rourkela more than two decades ago. The incongruity of this position is self-evident, but it may be illustrated. If such an approach were accepted, there would be nothing to prevent a passenger from summoning the Railway Minister for a delayed train, or a postal customer from arraigning the Postmaster General for a lost letter, or a consumer from prosecuting the Union Minister for Food for a defective item supplied through a ration outlet. Criminal law does not proceed on such lines. It rests on a direct and personal nexus between the accused and the alleged offence. In the absence of such nexus, the stature or public profile of an individual cannot be used to draw him into criminal proceedings.

26. The arraigning of Shri Mukesh Dhirubhai Ambani in a complaint of this nature, in the considered view of this Court, has no real



connection with the pursuit of any criminal remedy. It is, in substance, a publicity driven exercise presented in the form of a criminal complaint. The Court is not unaware that proceedings involving well known individuals tend to attract attention and are often reported widely. That, however, is no ground to invoke criminal jurisdiction. Courts are not moved by spectacle. They act when the facts, as they stand, call for the law to step in. The threshold is elementary. The complaint must show some real connection between the person and the alleged offence. Here, there is none. Yet calling him to answer a criminal charge is to stretch the process beyond recognition and abuse of the process. The law does not permit that, and this Court will not allow it.

27. The opposite party's emphasis on mediation and settlement, and his request for one more opportunity to resolve the dispute amicably, only serves to underscore what every court that has examined this matter has found this at its core, a civil or a consumer dispute. It is not a criminal matter. The grievance of a defective handset and unsatisfactory telecom services, howsoever genuine it may be, does not clothe the opposite party with the right to pursue interminable criminal proceedings against individuals who bear no personal liability for the transaction. This Court, as early as in 2017, pointed out that the consumer forum was the appropriate remedy. That observation was not made in passing, it was made with deliberation, after a detailed hearing. It is a matter of regret that it was not heeded to by the present petitioners.



28. The opposite party may well have a genuine sense of grievance over the handset and the telecom services he received in 2003. But a sense of grievance, however deep, does not entitle a person to weaponise the criminal law against those who have already been found to bear no criminal liability. The courts exist to do justice, not to serve as instruments of attrition. As the Hon'ble Supreme Court observed in *Krishna Lal Chawla* (supra):

*“It is a settled canon of law that this Court has inherent powers to prevent the abuse of its own processes, that this Court shall not suffer a litigant utilising the institution of justice for unjust means.”*

29. This observation goes to the heart of the present case. The criminal process has been invoked time and again, not to pursue a genuine prosecution, but as a means of exerting pressure. This Court is duty-bound to bring such misuse to an end.

#### V. CONCLUSION:

30. For all the foregoing reasons, I am satisfied that the present complaint, I.C.C. Case No. 27 of 2025, and the summoning order dated 27th January 2026 passed by the learned S.D.J.M., Panposh, Rourkela, are vitiated by abuse of the process of law and cannot be permitted to stand. The complaint is based on the same transaction, the same facts and the same grievance that have already been the subject of three prior complaints, two quashing orders, two dismissed Special Leave Petitions, a dismissed criminal revision, a rejected Section 319 application, and a dismissed challenge to that rejection. Not a shred of fresh evidence or new material has been



placed on record to justify the institution of yet another proceeding. The suppression of the earlier adverse orders compounds the abuse.

31. Accordingly, this petition **succeeds**. The impugned complaint, being I.C.C. Case No.27 of 2025 pending before the learned S.D.J.M., Panposh, Rourkela, is hereby quashed. The summoning order dated 27th January 2026 issued against the petitioners stands set aside. The petitioners are discharged from any obligation to appear or participate in any further proceedings in the said case.
32. Before parting, this Court cannot allow the conduct of the opposite party to pass without comment. Here is a litigant who has, for more than twenty three years, pursued criminal proceedings over a mobile handset worth Rs. 501. Four complaints. Two quashing orders. Two Special Leave Petitions dismissed by the Supreme Court. A criminal revision dismissed. A Section 319 application rejected and that rejection upheld. Yet he returns, files another complaint, and omits any reference to this entire history before the court below. He was aware of each of these orders. He was present when they were passed. The omission was deliberate. The intention was to secure issuance of process afresh, despite knowing that a full disclosure would have foreclosed that proceedings. This is, without a doubt, a calculated misuse of the process of the court. The criminal law cannot be set in motion repeatedly against the same persons on the same allegations in the hope that persistence will yield a different result. The opposite party has abused the process of this Court, knowingly and repeatedly.



33. This Court must also record its concern with the manner in which the learned S.D.J.M., Panposh, Rourkela, dealt with the complaint. The allegations, on their own showing, relate to a transaction more than two decades old. That circumstance alone ought to have prompted closer scrutiny. A simple inquiry as to whether any earlier proceedings was instituted would have revealed the full history. No such inquiry appears to have been made. Summons was issued to an unrelated individual and to a company with no apparent connection to the transaction, on the basis of a complaint which reiterates allegations already considered and rejected by this Court and by the Supreme Court. Issuance of summons is not a routine step. It is a judicial act carrying serious consequences. The Magistrate is required to apply his mind before setting the criminal law in motion, particularly where the complaint itself bears indications of being part of a series of proceedings. That level of scrutiny is not evident in the present case.
34. Mere quashing of the impugned proceedings, in the peculiar facts of the case, would not subserve the ends of justice. The Opposite Party has repeatedly set the criminal law in motion on the same set of allegations, compelling the Petitioners to face four successive rounds of litigation. Such a conduct has not only subjected the Petitioners to unwarranted harassment but has also resulted in a substantial waste of precious judicial time of this Court as well as the courts below.
35. This Court records its strong disapproval of the aforesaid conduct of the opposite party. Though it would have been justified in imposing



exemplary costs, this Court, taking into account the stated financial condition of the Opposite Party, who is a practicing lawyer before this Court, this Court, though justified in imposing exemplary costs, is exercising restraint. However, such indulgence shall not be construed as condonation of the conduct in question. This Court makes it clear that any repetition of such abuse of the process of law shall invite stringent and exemplary consequences. Nevertheless, in order to mark its disapprobation and to serve as a caution against such misuse of judicial process, a cost of Rs.1000/- (Rupees One Thousand only) is imposed upon the Opposite Party which shall be deposited with the Juvenile Justice Fund (**Regular Savings Bank Account No.45064568124, CIF No.92398188325, IFSC Code-SBIN0000059**), Odisha State Legal Services Authority within a period of four weeks from today.

36. Accordingly, the present CRLMC stands disposed of being allowed. Interim order, if any, passed earlier stands vacated.

*(Dr. Sanjeeb K Panigrahi)*  
*Judge*

*Orissa High Court, Cuttack,*  
*Dated 31<sup>st</sup> March, 2026/-*