



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

**CRLMP No. 109 of 2026**

(An application under Articles 226 and 227 of the Constitution of India)

**Abhijeet Acharya** ..... **Petitioner**

*-versus-*

- 1. State of Odisha**
- 2. IIC, Lingaraj Police Station**
- 3. ACP Zone-II, Bhubaneswar**
- 4. DCP, Bhubaneswar** ..... **Opposite Parties**

**Advocates appear in this case through hybrid mode:**

For Petitioner : Mr. Debasis Debadarshan, Advocate

For Opposite Parties: Mr. Sarathi Jyoti Mohanty,  
Additional Standing Counsel

**CORAM:**

**THE HON'BLE MISS JUSTICE SAVITRI RATHO**

**J U D G M E N T**

**Dates of hearing and judgment : 26.02.2026**

**Savitri Ratho, J.** This CRLMP has been filed with the following prayer:

*“The Petitioner, therefore, humbly prays that  
Your Lordships may graciously be pleased to:*

- *Admit this Petition*
- *Direct the concerned police officials not to interfere with the Petitioner's right to live in peace and dignity, and to refrain from taking any illegal*



*action against the Petitioner under the guise of unofficial complaints or otherwise;*

- *Direct the preservation and production of CCTV footage from the concerned police station relating to the alleged incident;*
- *Direct an independent inquiry into the harassment and abuse of authority by the concerned police officials;*
- *Pass such other appropriate direction/directions, or order/orders as may be deemed just and proper in the facts and circumstances of the case.*

*And any other order/orders as this Hon'ble Court deem fit be passed;*

*And for this act of kindness, the petitioner as in duty bound.”*

2. As this Court found that the alleged incident took place in February, 2024 and the Petitioner has approached various fora and authorities in the meanwhile, on the last date i.e. 12.02.2026, the learned Additional Standing Counsel was directed to obtain instructions from Opposite Party Nos.2, 3 and 4.

3. Mr. S.J. Mohanty, learned Additional Standing Counsel submits that instructions have been received only from Opposite



Party No.2, the IIC, Shree Lingaraj Police Station and he produces the same. It appears that there has been no response from Opposite Parties No. 3 and 4, nor have they sought for time for submitting instructions/ their response.

4. The instructions of the IIC, Shree Lingaraj Police Station are extracted below:

*“With reference to the subject cited above I have the honour to submit the report in compliance with CRLMP No-109 of 2026 filed by Abhijit Acharya that on 24.02.2024 the opposite party namely Biswajit Mallick, Prop. of AD Fitness GYM centre came to PS and alleged that the petitioner Abhijit Acharya was a customer of his gym centre but due to some disturbance he has cancelled his membership but keeping grudge for that reason Abhijit Acharya is sharing bad message falsely in Google review of the GYM site with an intention to blame the GYM brand. He also requested to inform Abhijit Acharya to stop the sharing of this type of message and stop blaming the GYM centre. On this allegation Lingaraj PS GDE No-19, Dt. 24.02.2024 was entered for necessary enquiry. Subsequently Abhijit Acharya was intimated regarding the allegation against him and also called to PS for necessary enquiry about the allegation. Next day i.e on 25.02.2024 the both parties appeared at PS and attend the enquiry. Accordingly both parties amicably settled their dispute in presence of their relatives and also gave in writing to police regarding their amicable*



*settlement and the fact was also entered in station diary vide Lingaraj PS GDE No-20, Dt. 25.02.2024. All the station diary copies and amicably settlement report made between both parties have been already attached by the petitioner in his petition. But later on the petitioner Abhijit Acharya started making false allegation against police only to harass the police.*

*It is pertinent to mention here that the petitioner Abhijit Acharya and his mother have approached several forums like OHRC, OIC for redressal of their grievance and upon their prayer the Hon'ble OHRC and Hon'ble OIC have passed reasoned speaking orders in the above matter.*

*This is for favour of your kind perusal.”*

## **SUBMISSIONS**

5. I have heard Mr. Debasis Debadarshan, learned counsel for the Petitioner and Mr. Sarathi Jyoti Mohanty, learned Additional Standing Counsel for the State and perused the orders passed by the OHRC and the orders passed under the RTI Act.

## **PETITIONER**

6. Mr. Debadarshan, learned counsel for the Petitioner submits that as the Petitioner had been subjected to discriminatory and in-human behaviour by the owner and staff of AD Fitness Gym over trivial issue relating to wearing of gym shoes outside the



entrance area, he had posted adverse reviews on 23.02.2024 on the Google pages of the gym. On the basis of an oral allegation of the owner on 25.02.2024, five constables had come to his residence resulting in harassment and humiliation to him. The Petitioner was abused, threatened of arrest and forced to delete his online reviews. After the incident, his mother filed applications under the RTI Act seeking information about the five Police personnel deployed to their house on 25.02.2024, but was informed that nobody had been deployed and there was no written FIR. On 17.03.2024, the Petitioner submitted his grievance regarding Police misconduct before the DCP and the State Home Department. The Petitioner has also complained about unauthorized circulation of his workout videos by the gym owner but with no result. Thereafter he submitted a complaint vide Case NO. 1406 of 2024 before the Odisha Human Rights Commission (in short 'OHRC'). However, in the meantime a report was submitted by the DCP, that an amicable settlement had been signed between the Petitioner and the gym owner, denying any Police misconduct. However, this report failed to address the absence of signatures or legal formalities in the alleged settlement and no witnesses were present at that time.



## **STATE COUNSEL**

7. Mr. Mohanty, learned Additional Standing Counsel submits that the Petitioner has approached the Odisha Information Commission. First Appeal and Second Appeal have also been filed by the Petitioner/his mother under the RTI Act but thereafter, he has abandoned those fora and approached this Court. He also submits that the Petitioner had approached the Human Rights Commission with similar allegation of violation of his rights and after registration of OHRC Case No.1406 of 2024, the DCP had been directed to enquire into the matter and submit a report to the Commission. A copy of the report received by the Commission was also sent to the Petitioner for his response and ultimately the matter has been disposed of finally on 08.04.2025 by a detailed order. But without challenging the report, the Petitioner has approached this Court seeking similar reliefs.

## **ORDERS PASSED EARLIER**

8. The operative portion of the Judgment/order of the OHRC which is annexed to this CRLMP, is extracted below:

*“As no formal P.S Case was registered only it was at a preliminary enquiry stage basing on the complaint of one Biswajit Mallick the police has acted to bring a settlement between the parties and*



*the most important aspect is that the petitioner himself admits that after signing the settlement he himself as deleted the comments which he has posted in Google and if that be so, how can he again raise the issue by stretching the same with reference to different provisions of law though the same are not at all applicable. The case was not registered. Therefore question of recording statement or otherwise either U/s. 161 of Cr.P.C or under Sec.164 of the Cr.P.C does never arise and the same cannot be tested in terms of Sec. 25 of the Indian Evidence Act. Further without registration of the case there is also no scope for the police to issue notice U/s. 41 (A) of the Cr.P.C.*

*In such circumstances of the matter the Commission does not find any merit with the original allegation and the subsequent statements made. Therefore, no recommendation can be made on the prayer of the petitioner. It is further observed that if the petitioner has any grievance with regard to declaring the written understanding is invalid and if he wants that the police should proceed in the matter of investigation on the complaint without treating the same has been amicably settled, he may approach the competent forum for re-opening the case.*



*With this observations, the proceeding stands disposed of.”*

9. It appears that the Second Appeal No.2933 of 2024 under the RTI Act filed by mother of the Petitioner was disposed of on 28.11.2025 observing as follows:

*“After careful consideration of facts and circumstances and the records available, Commission has concluded that all permissible information has already been provided denial of information of CCTV Footage on grounds mentioned is also found legally justified.”*

10. The Petitioner without challenging the order passed by the State Chief Information Commissioner on 28.11.2025 under the RTI Act or the judgment/order dated 08.04.2025 of the OHRC has approached this Court making similar prayer.

## **DISCUSSION AND CONCLUSION**

11. The OHRC has specifically observed that if the Petitioner has any grievance with regard to validity of the written settlement and seeks reopening of the matter for investigation without treating the same as ‘amicable settled’, he may approach the competent forum for reopening the case.



12. The Petitioner has made manifold prayers in this writ petition which have been extracted in Paragraph 7 of this writ petition. With reference to the prayers, I am of the view that:-

Prayer No.1 – No direction is required to be issued to the Police as the Police is duty bound to follow the mandate of law and cannot take illegal action against anybody let alone the Petitioner whether it is on the basis of an official or unofficial complaint.

Prayer No.2 – CCTV footage on all police stations is preserved but not indefinitely, hence so no direction can be issued now (after almost two years) for its preservation. But the Petitioner is at liberty to challenge the orders passed under the RTI Act.

Prayer No.3 – The OHRC is an independent body. At the instance of the Commission an enquiry has already been conducted on the allegation of the Petitioner. Therefore this Court in exercise of jurisdiction under Article 226 of the Constitution of India, does not consider this to be a fit case to direct for another enquiry.

13. As discussed above, I am not satisfied that the prayers in the writ petition should be allowed by exercising power under Article-226 of the Constitution as the incident is of the year 2024 and the Petitioner and his mother have approached other fora and



authorities in the meanwhile and alternate remedies are available to the Petitioner for redressal of his grievances by challenging the orders of the authorities.

14. It is open to the Petitioner to challenge the orders of the OHRC and of the State Information Commissioner and avail any alternate remedy available to him under the law.

15. In the present case, on account of a petty incident relating to use of gym shoes and some posts on Google, which the Petitioner has admitted to have deleted, he has approached various fora / authority, subsequently as he was aggrieved by the manner the settlement was arrived at. He has alleged that the amicable settlement was not voluntary so far as he was concerned. This could have been avoided if video recording of the settlement had been done and the video preserved. CCTV recordings may not serve the purpose always.

16. Therefore before parting with the case, I would like to observe that amicable settlement and mediation is/are a laudable method(s) for settlement of disputes and misunderstandings. It is a preferred mode of settlement as it preserves relationships and clears petty misunderstanding. But an amicable settlement is supposed to be voluntary and free from pressure or threats. But the settlement



has to be voluntary and without exertion of any pressure. The Police should therefore exercise restraint and be doubly sure that the settlement is voluntary and the parties involved do not feel pressurized or threatened. The video recording of such settlements should therefore be separately preserved and statements of the parties recorded, so that there is no scope for any party to subsequently make allegations regarding use of force or threat. This would be in the interest of the parties as well as the Police Officers themselves.

17. With these observations, the CRLMP is disposed of.

**(Savitri Ratho)**  
**Judge**

*Orissa High Court, Cuttack*  
*Dated, the 26<sup>th</sup> February, 2026/RKS/Puspa*