

IN THE HIGH COURT OF ORISSA AT CUTTACK

CRLMC No.384 of 2012

Chakara @ Chakradhar Pradhan ***Petitioners***
and others

-versus-

State of Orissa and another ***Opposite Parties***

CORAM: JUSTICE S. PUJAHARI

ORDER

11.04.2022

Order

No.

07.

1. This matter is taken up through hybrid mode.
2. This application under Section 482 of Cr.P.C. has been filed by the Petitioners with a prayer to quash the proceeding in G.R. Case No.1771 of 2011, arising out of I.C.C. No.411 of 2011, pending in the court of S.D.J.M., Puri.
3. Heard the learned counsel for the Petitioners, the learned counsel for the State-Opposite Party No.1 and the learned counsel for the Opposite Party No.2-Complainant.
4. Learned counsel for the Petitioner submits that the allegation made against the Petitioners is false and concocted one and the same has been made as the Opposite Party No.2-Complainant has lost in the civil suit wherein right, title and interest declared in favour of the Petitioners and the Opposite Party-Complainant party is restraining vide judgment dated 7th July, 2004 passed by the learned Civil Judge (Senior Division), Puri in T.S. No.52/2 of 2002/1996. The F.I.R.

lodged is nothing but tissues of falsehood. The same as such liable to be quashed.

5. Learned counsel for the Opposite Party No.2-Complainant, however, vehemently opposed the same and submits that court at this stage should not quash the F.I.R. when the F.I.R. allegation discloses a cognizable offence and police is exercising his statutory jurisdiction to ascertain the truth and veracity of the same.

6. Learned counsel for the State-Opposite Party echoes the submission of the learned counsel for the Opposite Party No.2-Complainant.

7. After hearing the learned counsel for the parties and going through the materials available on record, so also the F.I.R. discloses a cognizable offence, especially when there is no statutory bar to register such case, this Court is of the view that the prayer made in this case for quashment of the F.I.R. in the aforesaid ground is without any substance.

8. But, it is hope and trust that the Petitioners during the examination, if produced any evidence with regard to the falsity of allegation made in the F.I.R., the police will do the needful to examine the veracity of the same while exercising statutory power independently and formed the opinion in accordance with law.

9. With the aforesaid order, this CRLMC stands dismissed.

(S. Pujahari)
Judge