

IN THE HIGH COURT OF ORISSA AT CUTTACK

CRLMC No.1994 of 2015

Kaliprasad Mallick and another

....

Petitioners

Mr. S.K. Mishra, Advocate

-Versus-

State of Odisha

....

Opposite Party

Mr. Sonak Mishra, ASC

CORAM:

MR. JUSTICE R.K. PATTANAIK

ORDER

12.08.2022

Order
No.

06. 1 Heard learned counsel for the petitioners and learned counsel for the State.
2. This is an application under Section 482 Cr.P.C. at the behest of the petitioners for quashing of the criminal proceeding vis-à-vis G.R. Case No.77 of 2009 pending in the file of learned J.M.F.C., Daringbadi on the stated grounds.
3. An FIR was lodged by District Welfare Officer, Khandhamal Phulbani on 27th May, 2009 with regard to obtaining fake caste certificates, whereafter, G.R. Case No.77 of 2009 was registered under Sections 419, 465 and 468 read with 34 IPC.
4. Learned counsel for the petitioners submits that the FIR has been lodged later to the findings of the State Level Scrutiny Committee (SLSC) which was subsequently quashed by this Court in a judgment dated 2nd August, 2011 passed in W.P.(C) No.14765 of 2009 carrying a direction for de novo enquiry and in that view of the matter, the criminal proceeding which arises out of the FIR lodged pursuant to the said report shall have to be quashed. The learned counsel for the State fairly concedes that the FIR was lodged against the petitioners and

others based on the report of the SLSC and admittedly, the findings of the Committee has been set aside by this Court with a direction for fresh enquiry to be completed within the stipulated time.

5. A copy of the Court's judgment dated 2nd August, 2011 in W.P.(C) No.14765 of 2009 is in record and the same is perused. The learned counsel for the petitioners submits that the judgment carried a direction for de nova inquiry into the matter. It is further submitted that subsequent to a de nova inquiry, one Chakradhar Mallick has been declared as a tribal by the SLSC by a final order dated 17th November, 2018. A copy of the order dated 28th March, 2022 passed in CRLMC No.1886 of 2019 is also produced by the learned counsel for the petitioners to show that in a similar case, criminal proceeding has been quashed in G.R. Case No.78 of 2009 pending before the learned J.M.F.C., Daringbadi.

6. Having considered the submissions of the learned counsel for the petitioners and State, this Court is of the considered view that for the facts stated herein above, the criminal proceeding against the petitioners is required to be quashed in view of the fact that the FIR lodged on the strength of the report of the SLSC was quashed while disposing of W.P.(C) No.7633 of 2009 filed by the petitioners having been covered by the judgment in W.P.(C) No.14765 of 2009.

7. Accordingly, it is ordered.

8. In the result, the CRLMC stands allowed. As a corollary, the criminal proceeding in G.R. Case No.77 of 2009 pending in the file learned J.M.F.C., Daringbadi is hereby quashed.

(R.K. Pattanaik)
Judge