

IN THE HIGH COURT OF ORISSA AT CUTTACK

CRLMC No.1050 of 2011

Rama Krushna Misra *Petitioner*
-versus-
State of Orissa and others *Opposite Parties*

CORAM: JUSTICE S. PUJAHARI

ORDER
21.03.2022

Order
No.

- 05.
1. This matter is taken up through hybrid mode.
 2. This application under Section 482 of Cr.P.C. has been filed by the Petitioner with a prayer to quash the F.I.R. vide Berhampur Vigilance P.S. Case No.15 of 2007, corresponding to G.R. Case No.15 of 2007, pending in the Court of Sessions Judge, Ganjam.
 3. Heard.
 4. The aforesaid F.I.R. has been lodged against the Petitioner for misappropriation of Rs.85,760/-.
 5. It is the case of the Petitioner that in the meanwhile, he has made good of loss, inasmuch as, he has deposited the entire amount. As such, F.I.R. against him is misconceived.

6. Needless to say that F.I.R. allegation discloses a cognizable offence. No statutory bar is there to proceed against the Petitioner. Therefore, the contention advanced on behalf of the Petitioner that on merit to quash the F.I.R. is without any substance, as at this stage, the Court cannot look into the fact whether the return of the money can invite a criminal prosecution or not. The same has to be looked into by the Investigating Authority while exercising their statutory jurisdiction.

7. In such view of the matter, this petition filed for quashment of the aforesaid F.I.R. is devoid of merit. Accordingly, the same stands dismissed.

8. But, Petitioner is at liberty to approach this Court, if so desired, on filing the final form or already filed, if he has a case, by filing an appropriate petition challenging the proceeding against him.

(S. Pujahari)
Judge

DA