

IN THE HIGH COURT OF ORISSA AT CUTTACK

CRLMC No.1084 of 2012

Sri Dillip Kumar Mangaraj ***Petitioner***

-versus-

State of Orissa ***Opposite Party***

CORAM: JUSTICE S. PUJAHARI

ORDER

21.03.2022

Order

No.

06.

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 order dated 26th December, 2011 passed by the learned S.D.J.M., Puri in G.R. Case No.788 of 2011 wherein N.B.W. has been issued against him.
3. Heard Mr. Bansidhar Baug, learned counsel for the Petitioner and the learned counsel for the State.
4. The allegation against the Petitioner is that he was providing website facility to the G.M. Law College, Puri on the request of the Complaint, who was the Principal of the said college, for 5 years with 50% discount, but after 9 months he discontinued the service demanding further amount. Hence, the case.

5. Needless to say that since the Petitioner as per the agreement had already installed the service and later on discontinued the same, it cannot be said that from the very inception the Petitioner had intention to cheat and, as such, the dispute is purely civil in nature. Therefore, the Petitioner could not be proceeded with. Accordingly, the criminal prosecution against the Petitioner is misconceived.

6. I would, therefore, allow this Criminal Misc. Case and quash the impugned order of N.B.W. and the proceeding against the Petitioner. The learned S.D.J.M., Puri or the Court in seisin over the matter shall on receipt of this order/production of the certified copy of this order, close the proceeding in the aforesaid case in compliance to this order.

7. Urgent certified copy of this order be granted on proper application.

(S. Pujahari)
Judge

DA