

IN THE HIGH COURT OF ORISSA AT CUTTACK

CRLMC No.1820 of 2015

Jibesh Kishore Sundaray @ Jubuli
Sundaray

....

Petitioner

Mr. L. Samantaray, Advocate

-Versus-

State of Odisha and another

....

Opposite Parties

Mr. P.K. Muduli, AGA

CORAM:
MR. JUSTICE R.K. PATTANAİK

ORDER
22.07.2022

Order
No.

05. 1. Heard learned counsel for the petitioner and learned Additional Government Advocate. No notice has been issued against the opposite party No.2.
2. This is an application under Section 482 Cr.P.C. challenging the entire proceeding in G.R. Case No.2257 of 2008 arising out of Badagada P.S. Case No.86 of 2008 pending in the file of learned S.D.J.M., Bhubaneswar on the grounds inter alia that there is no case made out against the petitioner even by considering the FIR which is falsely lodged as a counterblast to the FIR (Annexure-3) dated 23rd May, 2008.
3. Learned counsel for the petitioner submits that for alleged occurrence dated 23rd May, 2008, an FIR has been lodged, whereafter, the present FIR was lodged by the informant for a occurrence alleged to have happened on 24th May, 2008 which is outrightly false and therefore, the proceeding which is pending before

the court below should be quashed. The contention of the learned counsel for the petitioner is entirely factual based. Whether, the alleged incident dated 24th May, 2008 had really taken place or not and if on account of personal vendetta, the FIR was lodged against the petitioner can only be examined during trial. At this point of time, the court cannot hold an enquiry to verify the claim of the petitioner on the ground that the FIR to be a counterblast to the other one dated 23rd May, 2008 (Annexure-3). In fact, the truthfulness or otherwise of the allegations made in the FIR (Annexure-1) shall have to be examined by the court below during enquiry and trial. No ground as such has been made out for the purpose of exercising inherent jurisdiction by this Court under Section Cr.P.C. Rather, the Court on a bare reading of Annexure-1 finds that there is a prima facie case which is required to be enquired into and investigated upon by the court below. In other words, since no other ground is made out except the fact that the FIR was lodged falsely, a claim which has to be examined by the court below during trial, the Court finds no basis for quashing the proceeding in G.R. Case No.2257 of 2008.

4. Accordingly, it is ordered.
5. In the result, the CRLMC stands dismissed.

(R.K. Pattanaik)
Judge