

IN THE HIGH COURT OF ORISSA AT CUTTACK

CRLMC No.3674 of 2013

Sujata Das

....

Petitioner

Mr. A. Ray, Advocate

-Versus-

State of Odisha and another

....

Opposite Parties

Mr. S.N. Das, ASC

CORAM:

JUSTICE R.K. PATTANAİK

ORDER

29.07.2022

Order No.

05.

1. Present petition under Section 482 Cr.P.C. is filed by the petitioner for quashing of the criminal proceeding in C.T. Case No.604 of 2013 arising out of Jaleswar P.S. Case No.244 of 2013 pending in the file of learned J.M.F.C., Jaleswar on the grounds stated therein.

2. The F.I.R. dated 1st November, 2013 was lodged by the complainant, namely, Assistant Regional Transport Officer, Laxmannath Checkgate, Jaleswar alleging certain overt act committed by the petitioner, whereupon, Jaleswar P.S. Case No.244 of 2013 was registered under Section 341 IPC.

3. Learned counsel for the petitioner submits that there is no prima facie case made out against the petitioner even considering the F.I.R. and therefore, the proceeding in C.T. Case No.604 of 2013 should be quashed, which is objected to by the learned counsel for the State.

4. Perused the F.I.R.

5. In fact, on a bare reading of the F.I.R., it is made to reveal that the petitioner has been alleged of some overt act and the nature of overt act has been described in the F.I.R. The learned counsel for the petitioner admits that the ground upon which the criminal proceeding is under challenge is purely factual. In other words, the petitioner challenged the lodging of F.I.R. on the ground that it has been an act of malafide accomplished in collusion with the local police at the instance of some truck owners, which in the considered view of the Court, can only be examined during trial. It is brought to the notice of the Court that the trial is already underway. In view of the above, the Court is not inclined to exercise its jurisdiction to quash the proceeding in view of the fact that there is a need of determination of factual aspects which is an exercise to be undertaken by the court below.

6. Accordingly, it is ordered.

7. The CRLMC is dismissed. The petitioner is at liberty to raise such ground during trial before the court below which is also requested to expedite disposal of the case if possible within six months from the date of receipt of a copy of the above order.

(R.K. Pattanaik)
Judge

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