

IN THE HIGH COURT OF ORISSA AT CUTTACK

CRLMC No.2816 of 2010

Epili Jagabandhu

....

Petitioner

-versus-

State of Orissa & another

....

Opposite Parties

CORAM: JUSTICE S.PUJAHARI

ORDER

20.06.2022

Order
No.

03.

1. This matter is taken up by Hybrid mode.
2. This application under Section 482 Cr.P.C. has been filed by the Petitioner for quashment of the FIR in connection with Berhampur Town P.S. Case No.220 of 2005 corresponding to G.R. Case No.1198 of 2005 pending in the court of learned S.D.J.M., Berhampur.
3. The Petitioner has sought for quashment of the FIR on the ground of the manipulation of the FIR.
4. It appears that one Iswar Loknath, a Junior Clerk in the office of the Inspector of Schools, Ganjam Circle, Berhampur reported to the Inspector of Schools that on 11.08.2005 at about 11.30 A.M, one S.N. Pradhan and Ganesh Mohakuda, both advocates along with the present Petitioner, who was a teacher came to the office of the Inspector of Schools at 11.30 A.M and demanded Rs.5,000/- from him and also extended threat that if he does not pay the same, they would come to his house on

13.08.2005 and assault him and left the spot. However, they again came at 4.45 P.M and assault him there in the office. On receipt of such report, the Inspector of Schools, Ganjam Circle, Berhampur sent the same to the Officer-in-Charge, Town Police Station, Berhampur for registration of the case. On receipt of such allegation, as the same revealed cognizable offence to have been committed, Police registered the same as Berhampur Town P.S. Case No.220 of 2005. The Petitioner thereafter made a grievance before the Hon'ble the Chief Justice by writing a letter for his implication for manipulation of the FIR inasmuch in the FIR it was disclosed that the nephew was there with them but the nephew was struck out and the Petitioner has been indicted in the case falsely. On receipt of such letter as inquiry was ordered by the Hon'ble the Chief Justice and the Chief Judicial Magistrate has been inquiring into matter. However, pending inquiry, the Petitioner has come to this Court for quashment of the FIR on the ground that the case could not have been registered pending disposal of such inquiry as it is apparent from the F.I.R. that by interpolation the Petitioner has been indicted. Hence, he seeks quashment of the F.I.R.

5. However, the State counsel has made objection to the same as no charge sheet has been filed in the aforesaid case and the matter is being investigated by the Police.

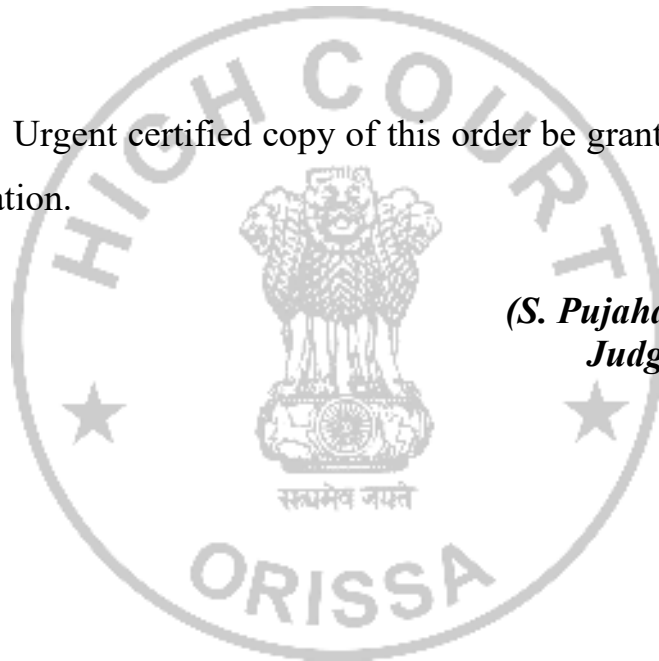
6. Considering the facts and the submissions made, this Court is not inclined to quash the FIR on the grounds stated at

this stage. However, if the inquiry has been concluded, it is hope and trust that while investigating into the matter the Police shall have due regard to such inquiry while submitting the final form in this case. Since the case is year old one, necessary steps in this regard be taken to conclude the investigation, if not concluded, as well as the inquiry, as directed by the Hon'ble the Chief Justice.

7. With the aforesaid order, this CRLMC stands disposed of.

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

(S. Pujahari)
Judge



PKS