

IN THE HIGH COURT OF ORISSA AT CUTTACK

CRLMC No. 3205 of 2017

Liku @ Ashok Kumar Patra

....
Petitioner
Mr. Jaydeep Pal, Advocate

-Versus-

State of Odisha and another

....
Opposite Parties
Mr. Tapas Kumar Praharaj, SC
Mr. Anup Udaya Senapati, Advocate

CORAM:
MR. JUSTICE R.K. PATTANAİK

ORDER
23.09.2022

Order No.

13.

1. Heard learned counsel for the petitioner, learned counsel for the State and learned counsel for opposite party No.2.
2. Instant petition under Section 482 Cr.P.C. is filed by the petitioner quashing the order of cognizance dated 6th October, 2015 passed by the learned S.D.J.M., Phulbani in S.T. No.02 of 2017 corresponding to G.R. Case No.272 of 2015 on the grounds stated therein.
3. Perused the copy of the FIR as at Annexure-1 and copy of the order of cognizance which is at Annexure-2.
4. Mr. Pal, learned counsel for the petitioner submits that the name of the petitioner does not appear in the FIR, inasmuch as, he is no way involved in the alleged incident. It is further stated that the occurrence took place in front of a hotel and therefore, the criminal action initiated against the petitioner should be quashed.

5. Learned counsel for opposite party No.2 with reference to an affidavit which is at Flag-C filed by the wife of the victim contends that in fact the petitioner is not involved in the alleged incident and he has wrongly been implicated by the police.

6. Mr.Praharaj, learned Standing Counsel for the State admits that there is no such material in the FIR and that apart, the victim's wife herself sworn the affidavit by claiming that the petitioner is not at all involved.

7. On a perusal of FIR at Annexure-1, the Court does not find the name of the petitioner but the occurrence having taken place in front of a hotel which is owned by him. Considering the contents of the FIR and the submissions of the learned counsel for respective parties and having regard to the affidavit filed by the victim's wife as at Flag-C, the Court is of the view that the petitioner appears to have been mistakenly involved in the case and therefore, the criminal proceeding as against him in G.R. Case No. G.R. Case No.272 of 2015 should be quashed. Accordingly, it is ordered.

8. In the result, the CRLMC stands allowed.

9. Consequently, the criminal proceeding in S.T. No.02 of 2017 arising out of G.R. Case No.272 of 2015 pending in the file of learned Assistant Sessions Judge, Phulbani under Annexure-2 is hereby quashed vis-à-vis the petitioner.

10. An urgent certified copy of this order be issued as per rules.

(R.K. Pattanaik)
Judge