

IN THE HIGH COURT OF ORISSA AT CUTTACK

CRLMC No.470 of 2018

Kuber Mallik @ Kuber Sahu and
Another

Petitioners

Mr. U.K. Samal, Advocate

-Versus-

State of Orissa

.... Opposite Party

Mr. T.K. Praharaj, SC

CORAM:
MR. JUSTICE R.K. PATTANAİK

ORDER
26.10.2022

Order
No.

6.

1. Heard learned counsel for the petitioners and learned counsel for the State.

2. Instant petition is filed for quashing of the order of cognizance dated 1st May, 2017 passed in G.R. Case No.418 of 2012 of the court of learned S.D.J.M., Bolangir on the grounds stated therein.

3. In fact, a report was lodged at Tusura P.S. in the year 2012 consequent upon which P.S. Case No.80 was registered under Sections 420, 468, 471, 120-B read with 34 IPC. After completion of investigation, chargesheet was filed in the year 2017, whereupon, the learned S.D.J.M., Bolangir took cognizance of the alleged offences by order dated 1st May, 2017 under Annexure-2.

4. Learned counsel for the petitioners submits that the report of the State Level Scrutiny Committee was challenged in W.P. (C) No.12365 of 2012 and this Court by order dated 24th July, 2012 quashed the same and remanded the matter back to the Committee for fresh consideration after a detailed enquiry without expressing any opinion on the merits of the case.

5. Learned counsel for the petitioners further submits that if the report has been quashed, on the strength of which, the FIR was lodged, the criminal proceeding cannot be allowed to continue and therefore, it has to be terminated which is pending before the court of learned S.D.J.M., Bolangir in connection with G.R. Case No.418 of 2012.

6. A copy of the Court's order in W.P. (C) No.12365 of 2012 as at Annexure-3 is perused. In fact, the Court finds that the report of the State Level Scrutiny Committee dated 23rd December, 2011 was under challenge and it was quashed by order dated 24th July, 2012 and that being so, the report basing upon which the FIR was lodged having been quashed, the criminal proceeding in G.R. Case No.418 of 2012 cannot be allowed to survive and therefore, it has also to be quashed.

7. Accordingly, it is ordered.

8. In the result, CRLMC stands allowed. Consequently, the criminal proceeding in G.R. Case No.418 of 2012 and consequential order of cognizance dated 1st May, 2017 passed by the learned S.D.J.M., Bolangir are hereby quashed.

9. An urgent certified copy of this order be granted as per rules.

(R.K. Pattanaik)
Judge

TUDU