

IN THE HIGH COURT OF ORISSA AT CUTTACK

CRLMC No.679 of 2022

Dharampal Jain @ Kalu.

....

Petitioner

-versus-

State of Odisha.

....

Opposite Party

CORAM: JUSTICE S.PUJAHARI

ORDER
26.07.2022

Order No.

04.

1. This matter is taken up through Hybrid mode.
2. The petitioner in this application under Section 482 of the Code of Criminal Procedure (for short “Cr.P.C.”) has prayed for quashing of the F.I.R. in Kesinga P.S. Case No.22 of 2022 corresponding to C.T. No.22 of 2022 pending in the court of the learned J.M.F.C., Kesinga.
3. Heard the learned counsel for the petitioner and the learned counsel for the State.
4. It is stated by the learned counsel for the petitioner that since for the selfsame incident one F.I.R. has already been

registered and the matter is investigated into, the present F.I.R. is liable to be quashed.

5. However, where F.I.R. is lodged for the selfsame incident, entertainment of any subsequent F.I.R. is not desirable. The F.I.R. allegation is also hit by Section 162 of Cr.P.C. For all purpose, the subsequent F.I.R. and also statements therein are treated to be 161 Cr.P.C. statements in the earlier F.I.R. Accordingly, while not allowing the prayer of the petitioner to close the second F.I.R. this Court directs that the police on verification of the materials if finds that for the selfsame transaction two F.I.Rs. have been registered, shall merge the second F.I.R. with the first F.I.R. and treat the statements recorded in the second F.I.R. including the F.I.R. under Section 161 of Cr.P.C. and file the report under Section 173 of Cr.P.C. on conclusion of the investigation.

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

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

(S. Pujahari)
Judge

MRS