

IN THE HIGH COURT OF ORISSA AT CUTTACK

CRLMC No. 753 of 2022

Rajib Lochan Satapathy

....

Petitioner

Mr. Sukanta Kumar Dalai, Advocate

-Versus-

State of Odisha and another

....

Opposite Parties

Mr. S.S. Mohapatra, ASC, OP No.1

None for OP No.2

CORAM:

MR. JUSTICE R.K. PATTANAIK

ORDER

14.10.2022

Order No.

07.

1. Heard learned counsel for the petitioner and learned counsel for the State.
2. The present challenge is as to the order quashing of the criminal proceeding in C.T. Case No.22 of 2022 arising out of Kesinga P.S. Case No.22 of 2022 pending in the court of learned J.M.F.C., Kesinga on the grounds stated therein.
3. Mr. Delai, learned counsel for the petitioner submits that for the selfsame incident, the second FIR was lodged consequent upon which Kesinga P.S. Case No. No. of 2022 was registered, copy of which is at Anenxure-1.
4. Mr. Mohapatra, learned counsel for the State submits that he has received instruction from the IIC of the concerned police station that the case was registered in connection with second FIR is likely to be ended in submission of final report as 'mistake of law'. The intimation received from the IIC to the office of the Advocate General is produced in Court today. Perused the same. Mr. Mohapatra, learned counsel for the State submits that in fact

supervision note of the SDPO, Kesinga is produced before this Court to show that there has been a direction to withdraw the FIR which is with regard to Kesinga P.S. Case No.22 of 2022 as a part and partial of the other case, i.e. Kesinga P.S. Case No.21 of 2022. Considering the above facts and instruction received, Mr. Mohapatra shared this information with the Court. It is revealed that the second FIR is a report lodged with response to the selfsame incident, which is likely to be ended in 'mistake of law'. Accordingly, the criminal proceeding pending in C.T. Case No.22 of 2022 should be quashed.

5. In the result, the CRLMC stands allowed.
6. Consequently, the criminal proceeding in C.T. Case No.22 of 2022 arising out of Kesinga P.S. Case No.22 of 2022 pending in the court of learned J.M.F.C., Kesinga is hereby quashed.
7. Issue urgent certified copy as per rules.

(R.K. Pattanaik)
Judge