

IN THE HIGH COURT OF ORISSA AT CUTTACK

CRLMC No.889 of 2022

Sukadev Goswami

....

Petitioner

-versus-

State of Odisha & others

....

Opposite Parties

CORAM: JUSTICE S.PUJAHARI

ORDER

07.07.2022

Order No.

03.

- 1.This matter is taken up through Hybrid mode.
- 2.Heard learned counsel for the Petitioner and learned counsel for the State.
- 3.This application under Section 482 of Cr.P.C. has been filed by the Petitioner with a prayer to quash FIR in connection with Baliana P.S. Case No.66 of 2022 corresponding to G.R. Case No.169 of 2022 pending in the court of learned J.M.F.C. (O), Bhubaneswar.
4. The allegation of the prosecution reveals that the Petitioner stated to have cheated the Informant of Rs.4 lakhs with a promise to give him a service in FCI. He had taken the money but thereafter did not arrange the service as promised nor returned the money. It is alleged that when the Informant demanded the money she was extended threat by the Petitioner.

5. The FIR allegation prima facie reveals a cognizable offence. The Petitioner has come to this Court for quashment of the FIR on the ground that the allegation is false and the same is based on concocted facts by a person who was displaced from the Ashram. However, the aforesaid is subject to proof. In view of the decision of the apex Court in the case of **Lalita Kumari vrs. Government of Uttar Pradesh and others** reported in (2014) 2 SCC 1, the Police is duty bound to register the FIR and investigate the matter. Since there is no material to show that there is any statutory bar to proceed against the Petitioner for registration of the case and the falsity of the allegation can be investigated by the Police, this Court is not inclined to quash the FIR on the ground stated.

6. Accordingly, this CRLMC stands dismissed.

(S. Pujahari)
Judge

PKS