

IN THE HIGH COURT OF ORISSA AT CUTTACK

CRLMC No.3004 of 2015

Ekamra Dash and another

....

Petitioners

Mr. H.N. Mohapatra, Advocate

-Versus-

State of Odisha and another

....

Opposite Parties

Mr. Sonak Mishra, ASC

Mr. B.B. Mohapatra, Advocate for O.P.No.2.

CORAM:

MR. JUSTICE R.K. PATTANAIK

ORDER

12.08.2022

Order
No.

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Heard learned counsel for the Parties.

2.

Present petition under Section 482 Cr.P.C. is filed by the petitioners for quashing of the FIR corresponding to Nimapara P.S. Case No.63 of 2015 in G.R. Case No.235 of 2015 pending in the file of learned J.M.F.C., Nimapara on the grounds stated therein.

3.

Learned counsel for the petitioners submits that though an amount of Rs.30,000/- was availed as loan from the SSG, allegation was made regarding its misappropriation, later to which, the FIR was lodged, but in the meantime, the sum was deposited vide Annexure-2 which is also admitted by the informant, namely, O.P.No.2 vide Annexure-3 and in such view of the matter, the criminal proceeding which is initiated pursuant to lodging of FIR should be quashed in the interest of justice.

4.

The Court perused the FIR and other documents which includes an affidavit sworn by the O.P.No.2 i.e. Annexure-3, wherein,

it has been indicated that the petitioners deposited the amount which they received as loan from the SSG group and therefore, she is not inclined to pursue the case anymore. Considering the nature of allegation as revealed from the FIR, the fact that the amount of Rs.30,000/- which was availed as a loan was subsequently refunded/deposited vide Annexure-2 and it was also confirmed by the O.P.No.2 by way of an affidavit dated 24th April, 2015 which was filed immediately sometime after lodging of FIR on 26th April, 2015, the Court is of the view that the proceeding which is pending before the learned court below should not be allowed to continue in the interest of justice keeping in view the peculiar facts and circumstances of the case.

5. Accordingly, it is ordered.

6. In the result, the CRLMC stands allowed. Consequently, the criminal proceeding in G.R. Case No.235 of 2015 pending in the file of learned J.M.F.C., Nimapara is hereby quashed.

(R.K. Pattanaik)
Judge

TUDU