

IN THE HIGH COURT OF ORISSA AT CUTTACK

CRLMC No. 683 of 2016

Maulik H. Gandhi

....

Petitioner

Mr. Susanta Kumar Baral, Advocate
-versus-

State of Odisha and Another

....

Opposite Parties

Mr. J. Katikia, Addl. Govt. Advocate

**CORAM:
THE CHIEF JUSTICE**

Order No.

**ORDER
23.09.2022**

06. 1. Learned counsel for the Petitioner relies on the judgment of the Supreme Court in *V.Y. Jose v. State of Gujarat (2009) 42 OCR (SC) 488* to urge that if on a perusal of the complaint, it does not even reveal a prima facie case, this Court would not hesitate to quash the FIR.
2. In the present case, a perusal of the complaint reveals that *inter alia* the following averments have been made:

“It may be mentioned here that we have paid Rs.38 lakhs against the invoice value of Rs.37,43,400/-. Besides, I have paid Rs.1,60,000/- towards transportation charges and Rs.80,000/- towards entry tax. Excluding other expenses. Ultimately, the machine was not installed by Sri Gandhi at our plant site till date in spite of our repeated request and legal notice. But the fact remains that the partial installation at my factory at Bhagabanpur by the so call technical persons who were deputed by Sri Gandhi for purpose of installation was found defective and was not working. Those persons were of opinion that the equipment sent by Sri Gandhi is substandard and do not confirm with the

specifications mentioned in the quotation as well as purchase order.”

3. Having perused the above complaint, the Court is not persuaded that not even a prima facie case is made out against the present Petitioner. Accordingly, the Court is not inclined to interfere at this stage.

4. The CRLMC is dismissed. A copy of this order be communicated forthwith to the concerned Subordinate Court.

(Dr. S. Muralidhar)
Chief Justice

S.K. Jena/Secy.

