

IN THE HIGH COURT OF ORISSA AT CUTTACK

CRLMC No.1066 of 2022

Gyanranjan Mohanty.

....

Petitioner

-versus-

State of Odisha & another.

....

Opposite Parties

CORAM: JUSTICE S.PUJAHARI

ORDER

10.08.2022

Order No.

03.

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. as well as the Charge-sheet in Balichandrapur P.S. Case No.129 of 2021 corresponding to C.T. No.709 of 2021 pending in the court of the learned J.M.F.C., Chandikhol.
3. Heard the learned counsel for the petitioner and the learned counsel for the State, so also the learned counsel for the opposite party no.2.

4. Learned counsel for the petitioner submits that since no offence under Section 379 of IPC is made out in this case which is a purely civil dispute in nature, the impugned F.I.R. as well as the Charge-sheet filed is liable to be quashed.

5. The same is, however, vehemently opposed by the learned counsel for the opposite parties. According to them, since the F.I.R. allegation discloses a cognizable offence and in the meanwhile charge-sheet has been filed, the petitioner has no case for quashing of the F.I.R., hence this CRLMC is liable to be dismissed, submits the learned counsel for the opposite parties.

6. The F.I.R. allegation reveals a cognizable case and in the meanwhile charge-sheet having been filed, the matter must have been placed before the Court for its consideration. The learned counsel for the petitioner having not brought to the notice of this Court what was the order passed on the same by the Court where the charge-sheet was placed, this Court is not inclined to entertain the prayer made on the ground stated above. However, the petitioner if at all is proceeded with without any materials on record, then he may approach this Court against the same, if so aggrieved.

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

(S. Pujahari)
Judge

MRS