

IN THE HIGH COURT OF ORISSA AT CUTTACK

CRLMC No. 1110 of 2022

R.Rabi Acharya @ Swami Nirvananda Petitioner
Giri

Mr. A.P.Bose, Advocate & Associates

-Versus-

State of Odisha Opposite Party
Mr. T.K.Praharaj, SC

CORAM:
MR. JUSTICE R.K. PATTANAİK

ORDER
07.12.2022

Order No.

01. 1. Heard learned counsel for the petitioner and Mr. Praharaj, learned counsel for the State-opposite party.
2. Instant petition under Section 482 Cr.P.C is at the behest of the petitioner for quashing of the criminal proceeding in connection with G.R. Case No. 139 of 2018 corresponding to Gunupur P.S. Case No. 68 of 2018 pending in the file of learned S.D.J.M., Gunupur on the grounds inter alia that the same is not tenable in law and thus, liable to be quashed in the interest of justice.
3. Mr. Bose, learned counsel for the petitioner submits that the petitioner is a religious leader and presently engaged in wellbeing of tribal men and against him a false F.I.R. was lodged by the informant. It is further submitted that some people were transporting cattle which was objected to by the petitioner, whereafter, the F.I.R.

was lodged against him by making false allegations and therefore, the criminal proceeding should be quashed.

4. It is contended that offence under Section 506 IPC is not made out even by considering the F.I.R. at its face value. Mr. Praharaj, learned counsel for the State submits that prima facie case a case is proved and established against the petitioner and therefore, the chargesheet is filed whereupon the learned court below took cognizance of the offences and hence, it calls for no interference. Without expressing anything on merits of the case and considering the submissions of the learned counsel for the parties, the Court is of the view that such an aspect is to be examined by the learned court below during enquiry. In other words, the Court is not inclined to interfere with the criminal proceeding at this stage as has been prayed for.

5. Accordingly, it is ordered.

6. In the result, CRLMC stands disposed of with liberty granted in favour of the petitioner to raise all such grounds as available to him under law at the time of framing of charge and in the event, any such application so moved by him before the court of learned SDJM, Gunupur in G.R. Case No. 139 of 2018 for discharge, the court shall examine the grounds and pass appropriate order thereon as per and in accordance with law.

7. Urgent certified copy of this order be issued as per rules.

(R.K. Pattanaik)
Judge