

IN THE HIGH COURT OF ORISSA AT CUTTACK

CRLMC No.2955 of 2015

Laxmidhar Singh

....

**Petitioner**

Mr. L.N. Rayatsingh, Advocate

-Versus-

State of Odisha and others

....

**Opposite Parties**

Mr. P.K. Rout, AGA

**CORAM:**

**MR. JUSTICE R.K. PATTANAİK**

**ORDER**

**07.09.2022**

Order  
No.

07.

1. Heard learned counsel for the petitioner and learned counsel for the State.
2. Instant petition under Section 482 Cr.P.C. is at the behest of the petitioner for quashing of the criminal proceeding in G.R. Case No.304 of 2014 corresponding to Baidesar P.S. Case No.74 of 2014 pending before the court of learned S.D.J.M., Banki on the grounds stated therein.
3. Perused the FIR i.e. Annexure-1.
4. Learned counsel for the petitioner submits that one of the co-villagers submitted his grievance which was enquired into and a report stands submitted vide Annexure-2 and the same may be perused. It is further submitted that an FIR was lodged, a copy of which is at Annexure-1 but the same was not entertained by the local police and that apart, in so far as the allegations in the FIR at Annexure-1 are concerned, no prima facie case is made out against the petitioner and therefore, the criminal proceeding should be quashed.

5. However, the Court finds that the contention is entirely factual which needs determination by an enquiry and trial and therefore, it cannot be a ground to interfere with the proceeding pending before the court below in G.R. Case No.304 of 2014.

6. At this juncture, the learned counsel for the petitioner submits that all the grounds which have been raised in the present petition may be allowed to be taken up at the time of framing of charge and that could well serve the purpose.

7. In view of the above, the CRLMC stands disposed of with a liberty granted to the petitioner to raise all the grounds before the learned court below in G.R. Case No.304 of 2014 at the time of framing of charge which on being urged shall be examined and appropriate order to be passed thereon as per and in accordance with law.

(R.K. Pattanaik)  
Judge

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