

IN THE HIGH COURT OF ORISSA AT CUTTACK

CRLMC No.3265 of 2015

Babaji Samantaray and others

Petitioners

Mr. B.N. Satpathy, Advocate

-Versus-

State of Odisha

.... Opposite Party

Mr. S.S. Mohapatra, ASC

CORAM:

MR. JUSTICE R.K. PATTANAİK

Order
No.

ORDER
24.08.2022

- 06.
1. Heard learned counsel for the petitioners and learned counsel for the State.
 2. Present petition under Section 482 Cr.P.C. is filed by the petitioners for quashing of the criminal proceeding in G.R. Case No.128 of 2007 corresponding to Kujang P.S. Case No.48 of 2007 pending in the file of learned J.M.F.C.(P), Kujang on the grounds stated therein.
 3. Perused the FIR.
 4. In fact, after lodging of the FIR, Kujang P.S. Case No.48 of 2007 was registered under Sections 147, 148, 452, 294 and other allied offences read with 149 IPC and Section 3(1)(x) of the SC & ST (PA) Act besides Sections 25 and 27 of the Arms Act and finally, charge sheet was submitted.
 5. Learned counsel for the petitioners submits that false and frivolous case has been filed against the petitioners and they have been entangled without any basis as the incident happened during the protest lodged by locals towards establishment of the POCSO

steel plant at Ersama and some of the offences are superadded without any justification and therefore, the criminal proceeding should be quashed in the interest of justice which is objected to by the learned counsel for the State. In fact, the submission of the learned counsel for the State is that the contention is fact based which needs examination and same can only be appreciated by the learned court below during enquiry and trial.

6. Considering the nature of allegations and the fact that the petitioners alleged to have been implicated in the case in connection with the establishment of a steel plant in locality, the Court is of the view that they should be granted an opportunity to raise all such grounds while seeking discharge before the court below. In other words, having regard to the facts and circumstances of the case, the Court is not inclined to exercise inherent jurisdiction to interfere with the criminal proceeding in G.R. Case No.128 of 2007 pending before the learned court below, rather, it would be just and appropriate for the petitioners to move the court below and seek appropriate relief at the time of framing of charge and accordingly, it is ordered.

7. In the result, the CRLMC stands dismissed. However, the petitioners are granted liberty to raise all the grounds at the time of framing of charge seeking discharge before the court below in G.R. Case No.128 of 2007 corresponding to Kujang P.S. Case No.48 of 2007, which on being so urged, shall be dealt with in accordance with law.

(R.K. Pattanaik)
Judge