

IN THE HIGH COURT OF ORISSA AT CUTTACK

CRLMC No.5531 of 2014

Sobhagya Kumar Rout

....
Mr. A.K. Mohapatra, Advocate

Petitioner

-Versus-

State of Odisha and another

....
Mr. M. Mishra, ASC

Opposite Parties

CORAM:
MR. JUSTICE R.K. PATTANAİK

ORDER
29.07.2022

Order
No.

- 06.
1. Heard learned counsel for the parties.
 2. This is an application under Section 482 Cr.P.C filed the instance of the petitioner for quashing of the FIR in G.R. Case No.1148 of 2014 arising out Keonjhar Town P.S. Case No.239 dated 26th September, 2014 registered under Sections 353, 294 and 506 IPC and Section 3(1(x) of the SC & ST (PA) Act on the grounds stated therein.
 3. Learned counsel for the petitioner submitted that the informant has died and the allegation is to the effect that he and others committed certain overt acts during the alleged occurrence dated 26th September, 2014 when some of the IAY beneficiaries were proceeding to the Block Office to register a complaint against him for demanding bribe of Rs.5000/- from each of them.

4. Learned counsel for opposite party No.2 confirms the death of the complainant. In fact, at the time of the alleged occurrence, opposite party No.2 was posted as the District Panchayat Officer, Keonjhar, who lodged the FIR against the petitioner for the alleged mischief committed during the incident dated 26th September, 2014.

5. It is submitted by the learned counsel for the petitioner that after the alleged incident both sides have had a compromise but then there is no material on record in support thereof. In fact, on account of the death of opposite party No.2, there is no possibility of filing of any such affidavit in proof of compromise effected between the parties. In any case, the grounds upon which the FIR is sought to be quashed are factual. The petitioner alleged that the FIR is thoroughly misconceived and was lodged to harass and manifestly attended with malafide and according to the Court, the same can only be examined by the court below during trial. In other words, whether the allegations to be true or false, they have to be examined by the trial court to render a decision thereon at the end. Having regard to the grounds taken by the petitioner and considering the submissions of the learned counsel appearing for the respective parties, the Court is not inclined to interfere with the criminal proceeding and as such not inclined to quash FIR dated 26th September, 2014 and accordingly, it is ordered.

6. In the result, the CRLMC stands dismissed. However, the petitioner who claims to have entered into a compromise with opposite party No.2 after the alleged incident is directed to appear before the learned court below in G.R. Case No.1148 of 2014 and on his appearance, the court shall release him on bail with conditions as deemed just and proper in the facts and circumstances of the case and

shall expedite disposal of the case preferably within six months from the date of receipt of a copy of the above order.

(R.K. Pattanaik)
Judge

TUDU

