

IN THE HIGH COURT OF ORISSA AT CUTTACK

CRLMC No.1891 of 2015

Bankesh Chandra Kar ***Petitioner***
versus-
State of Orissa and another ***Opposite Parties***

CORAM: JUSTICE S. PUJAHARI

Order
No.

ORDER
17.08.2022

- 05.
1. This matter is taken up through hybrid mode.
 2. This application under Section 482 of Cr.P.C. has been filed by the Petitioner with a prayer to quash the criminal proceeding vide Baripada Town P.S. Case No.36 of 2015, corresponding to G.R. Case No.114 of 2015, pending in the court of S.D.J.M., Baripada.
 3. Heard the learned counsel for the Petitioner and the learned counsel for the State-Opposite Party No.1.
 4. Petitioner in this case has sought for quashment of the F.I.R. on the ground that the dispute is civil in nature, so also Petitioner being a bank officer and the departmental proceeding is going on.
 5. But the F.I.R. being disclosing a cognizable offence, this Court is not inclined to entertain the prayer made in this petition on the ground stated.

6. Accordingly, the same stands dismissed.

7. However, if the Petitioner surrenders before the Court in seisin over the matter within four weeks hence and make a motion for bail, the Court in seisin over the matter shall consider and dispose of his bail application in course of the day, notwithstanding the fact that one of the offence provides for imprisonment of life and in such case, the Magistrate has also jurisdiction to release the Petitioner on bail in view of the law laid down by the Apex Court in the case of ***Satender Kumar Antil v. Central Bureau of Investigation & Anr. (Miscellaneous Application No.1849 of 2021 in Special Leave Petition (Crl.) No.5191 of 2021 decided on 11th July, 2022).***

8. Urgent certified copy of this order be granted on proper application.

(S. Pujahari)
Judge

DA