

IN THE HIGH COURT OF ORISSA AT CUTTACK

CRLMC No. 3218 of 2022

Trupti Ranjan Das

....

Petitioner

Mr. Prasanta Kumar Sahoo, Advocate

-Versus-

State of Odisha and Another

....

Opposite Parties

Mr. T.K. Praharaj, SC, OP No.1

None for OP No.2

CORAM:

MR. JUSTICE R.K. PATTANAİK

ORDER

19.12.2022

Order No.

- 02.
1. Heard learned counsel for the respective parties.
 2. Instant petition under Section 482 Cr.P.C. is filed by the petitioner praying for quashing of the criminal proceeding in C.T. Case No.4882 of 2021 arising out of Badagad P.S. Case No.312 of 2021 pending in the court of learned S.D.J.M., Bhubaneswar on the ground stated therein.
 3. Perused the copy of the FIR at Annexure-1.
 4. It is claimed that although petitioner is not involved in the alleged mischief, he has been entangled in the case. It is submitted that informant's establishment, namely, M/s. Shree Motors at Bhubaneswar deals in selling and purchasing of used vehicles, in which petitioner is an employee. It is further submitted that opp. Party No.2 was intending to purchase a Bolero vehicle and deposited a sum of Rs.1,60,000/- and Rs.60,000/- under two cheques towards availing refinance and petitioner agreed to give

delivery of the vehicle to him. But due to difficulties for refinance, opposite party No.2 wanted refund of his money amounting to Rs.2,12,700/-, which the petitioner did not oblige for which the FIR was lodged against the petitioner. It is submitted that the name of the petitioner is not mentioned in the FIR but he is shown as an accused by the police, accordingly, a prayer has been made to quash the criminal proceeding.

5. From the impugned FIR, it is revealed that since the petitioner did not deliver the vehicle to the opposite party No.2 after payment being made, the FIR was against him.

6. Considering the facts narrated above and as the name of petitioner does not find place in the FIR, the Court is of the view that the petitioner should be directed to surrender before the learned court below and released on bail with liberty to take all such grounds as available to him under law at the time of framing of charge in the event the chargesheet is filed.

7. Accordingly it is ordered.

8. Consequently, the CRLMC stands disposed of with a direction to the petitioner to surrender before the learned S.D.J.M., Bhubaneswar on or before 6th January, 2023 in C.T. Case No.4882 of 2021 arising out of Badagad P.S. Case No.312 of 2021 and in the event of surrender, he shall be released on bail on such terms and conditions, as would be deemed just and proper in the facts and circumstances of the case. Furthermore, liberty is granted to the petitioner to raise any such grounds at the time of framing of charge and in the event any such application is filed, the same shall be considered on its own merit and in accordance with law.

9. Issue urgent certified copy of this order as per rules.

(R.K. Pattanaik)
Judge