

IN THE HIGH COURT OF ORISSA AT CUTTACK

CRLMC No.3341 of 2022

Raj Kishore Swain

.... **Petitioner**
Mrs. S. Dash, Advocate

-Versus-

State of Odisha

.... **Opposite Party**
Mr. T.K. Praharaj, SC

CORAM:
MR. JUSTICE R.K. PATTANAİK

ORDER
05.12.2022

**Order
No.**

01.

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 connection with G.R. Case No.1196 of 2021 corresponding to Aska P.S. Case No.636 of 2021 pending in the file of learned J.M.F.C., Aska on the grounds stated therein.

3. Learned counsel for the petitioner submits that the allegation is as to production of fake B.Ed. certificate but there was no verification or any opportunity provided to the petitioner to explain before lodging of FIR. It is further submitted that there has been no any enquiry conducted or any disciplinary proceeding initiated during the tenure of the petitioner, who retired in the meantime and under the above circumstances, considering the fact

that the FIR was lodged in the year 2021 till date the investigation is underway, the criminal proceeding which is pending against him before the learned court below should be quashed. Mr. Praharaj, learned counsel for the State on the other hand submits that the investigation is pending, the petitioner can still produce the relevant document for the purpose of verification and offer explanation and therefore, he should await outcome of the enquiry.

4. Considering the fact that the investigation is in progress, the Court is not inclined to quash the criminal proceeding. Law is well settled that at the inception especially at the stage of investigation, jurisdiction under Section 482 Cr.P.C. should not normally be exercised.

5. At this juncture, learned counsel for the petitioner submits that since the Court is not inclined to quash the criminal proceeding case but having regard to the peculiar facts and circumstances of the case, the petitioner should be directed to surrender and released on bail which would serve purpose for the present which is also objected to by Mr. Praharaj, learned counsel for the State.

6. Having regard to the above facts and submissions of learned counsel for the respective parties and the fact that it is in relation to production of fake certificate for the purpose of employment and in the meantime, petitioner has retired from service, the Court is of the view that though it is not inclined to quash the criminal proceeding, he should however be directed to surrender before the learned court below and be on bail subject to conditions.

7. Accordingly, it is ordered.

8. In the result, CRLMC stands disposed with a direction to the petitioner to surrender before the learned J.M.F.C., Aska on or before 22nd December, 2022 in connection with G.R. Case No.1196 of 2021 corresponding to Aska P.S. Case No.636 of 2021 and in the event he surrenders, the court below shall release him on bail subject to conditions.

9. Urgent certified copy of this order be granted as per rules.

(R.K. Pattanaik)
Judge



TUDU