

IN THE HIGH COURT OF ORISSA AT CUTTACK

CRLMC No.3629 of 2022

Debiprasad Mohanty and Another .... Petitioners  
Mr. Sunil Kumar Panda, Advocate and  
Mr. Asit Kumar Jena, Advocate

-Versus-

The State of Orissa and Another .... Opposite Parties  
Mr. Tapas Kumar Praharaj, SC, OP No.1  
None for OP No.2

CORAM:  
MR. JUSTICE R.K. PATTANAİK

ORDER  
29.11.2022

Order No.

01. 1. Heard learned counsel for the respective parties.
2. In the present case, the petitioners seek to quash the criminal proceeding in G.R. Case No.1423 of 2022 arising out of Dhenkanal Town P.S. Case No.592 of 2022 pending in the court of learned S.D.J.M., Dhenkanal on the ground stated therein.
3. Perused the certified copy of the FIR at Annexure-1.
4. Learned counsel for the petitioners submits that the witnesses examined during the investigation do not support the prosecution case but the local police has been gained over by the informant and therefore, the criminal proceeding initiated against the petitioners should be quashed in the interest of justice, which is objected to by Mr. Praharaj, learned Standing Counsel for the State on the ground that it cannot be a basis for quashing the proceeding.
5. The investigation is underway as informed by the learned counsel for the petitioners. According to the Court, such a ground

cannot be accepted to quash the criminal proceeding. It is alleged that the police is gained over by the informant and the witnesses examined so far did not support the prosecution case and that cannot be a ground either for the Court to quash a criminal proceeding.

6. However, at this juncture learned counsel for the petitioners submits that if the Court is not inclined to interfere with the criminal proceeding, they may be directed to surrender before the learned court below and released subject to conditions.

7. In view of the above, the petitioners are directed to surrender before the learned S.D.J.M., Dhenkanal on or before 16<sup>th</sup> December, 2022 in connection with G.R. Case No.1423 of 2022 arising out of Dhenkanal Town P.S. Case No.592 of 2022 and in such an event, they shall be released on bail on such terms and conditions as would be deemed fit and proper in the facts and circumstances of the case.

8. Consequently, the CRLMC stands disposed of.

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

(R.K. Pattanaik)  
Judge