

IN THE HIGH COURT OF ORISSA AT CUTTACK

CRLMC No.3655 of 2022

Arun Kumar Mohapatra and Another .... Petitioner  
Mr. A.S. Paul, Advocate

-Versus-

State of Orissa .... Opposite Party  
Mr. S. Mishra, ASC

CORAM:  
MR. JUSTICE R.K. PATTANAIK  
ORDER  
12.12.2022

Order  
No.  
01.

1. Heard learned counsel for the petitioners and learned counsel for the State.
2. Prayer in the present case is for quashing of the criminal proceeding in G.R. Case No.1304 of 2013 arising out of Bolagarh P.S. Case No.100 of 2013 pending in the file of learned S.D.J.M., Khurda on the grounds stated therein.
3. A copy of the FIR is at Annexure-1.
4. In the meantime, the petitioners and other accused persons have been chargesheeted under Annexure-2.
5. Learned counsel for the petitioners submits that the informant, who lodged the complaint in ICC Case No.159 of 2013 stands registered as G.R. Case No.1304 of 2013 with the allegations that he had paid some amount to the petitioners and other accused persons who had promised him to provided loan for poultry firm. It

is further submitted that certain amount was refunded to the informant and the petitioners also provided him a house and under the above circumstances, the criminal proceeding which is pending before the learned court below should be quashed.

6. Mr. Mishra, learned counsel for the State on the other hand submits that on such ground, the proceeding may not be quashed and that apart, petitioners do have criminal antecedents.

7. The Court is of the view that contention of the petitioners is clearly based on facts whether the informant was cheated or parted with an amount on a false promise or otherwise by the petitioners and other accused persons shall have to be examined by the learned court below. In other words, on such ground, the criminal proceeding pending before the learned court below cannot be quashed in exercise of inherent jurisdiction of this Court.

8. At this juncture, leaned counsel for the petitioners submits that if the Court is not inclined to quash the proceeding, the petitioners should at least be directed to surrender before the learned court below since in the meantime post-submission of chargesheet, NBWAs have been issued against them and the same are pending execution.

9. Having regard to the limited prayer, CRLMC stands disposed of with a direction to the petitioners to surrender before the learned S.D.J.M., Khurda on or before 23rd December, 2022 in connection with G.R. Case No.1304 of 2013 corresponding to Bolagarh P.S. Case No.100 of 2013 and in the event, they surrender

within the time stipulated, the court below shall release them on bail subject to conditions.

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

(R.K. Pattanaik)  
Judge

TUDU

