

IN THE HIGH COURT OF ORISSA AT CUTTACK

CRLMC No.2960 of 2021

Jagdish Ch. @ Chandra Sahoo

....

Petitioner

Mr. B. Pujari, Advocate

-Versus-

State of Odisha and others

....

Opposite Parties

Mr. P.K. Rout, AGA

CORAM:

MR. JUSTICE R.K. PATTANAİK

ORDER

07.09.2022

Order
No.
07.

1. Heard learned counsel for the petitioner and learned counsel for the State.
2. For the reasons stated, the I.A. stands allowed. Necessary correction may be carried out with regard to operative portion of the prayer in CRLMC which shall be read as 'Lahunipada P.S. Case No.145 of 2021' instead of 'Bonai P.S. Case No.145 of 2021'.
3. Heard learned counsel for the petitioner and learned counsel for the State.
4. Present petition under Section 482 Cr.P.C. is filed by the petitioner for quashing of the criminal proceeding in G.R. Case No.532 of 2021 arising out of Lahunipada P.S. Case No.145 of 2021 pending in the file of learned S.D.J.M., Bonai on the grounds stated therein.
5. Perused the FIR i.e. Annexure-1 and other connected documents including Annexure-3 which is an order for promotion vis-à-vis the petitioner by the Directorate of Elementary Education, Odisha.
6. Mr. Pujari, learned counsel appearing for the petitioner submits that the petitioner possessed genuine documents/certificate but in spite of that the FIR was lodged under Annexure-1. It is

further submitted that all the documents/certificates have been received by the petitioner from the B.S.E. as well as Sambalpur University and in response to the above, the learned counsel for the State submits that in fact the documents are found to be genuine as per the instruction received from the IIC, Lahunipada P.S. by letter dated 4th May, 2022. While contending so, a copy of the aforesaid letter of the IIC, Lahunipada P.S. addressed to the office of the learned A.G. is produced before the Court for its perusal.

7. Mr. Pujari, learned counsel for the petitioner produces a copy of this Court's order dated 27th July, 2022 passed in CRLMC No.339 of 2022 which is in similar line where the FIR was found to be unjustified for which the criminal proceeding was quashed.

8. In any case, in view of the intimation received from the IIC, Lahunipada P.S. received by the office of the learned AG and recording the submission of the learned counsel for the State that the alleged documents have been found to be genuine, the Court is of the view that since the petitioner was possessed of it and proved not to be fake, the criminal proceeding which has been initiated pursuant to the lodging of the FIR pending in the file of learned S.D.J.M., Bonai arising out of Lahunipada P.S. Case No.145 of 2021 should be quashed.

9. Accordingly, it is ordered.

10. In the result, the CRLMC stands allowed. A corollary, the proceeding in G.R. Case No.532 of 2021 pending before the court of learned S.D.J.M., Bonai is hereby quashed.

(R.K. Pattanaik)
Judge