

Kruttibas Rup Vs. State of Orissa

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Court : Orissa

Decided On : Nov-06-2002

Reported in : 2003(I)OLR21

Judge : P.K. Tripathy, J.

Acts : [Indian Penal Code \(IPC\), 1860](#) - Sections 506 and 509

Appeal No. : Criminal Misc. Case No. 5572 of 1999

Appellant : Kruttibas Rup

Respondent : State of Orissa

Advocate for Def. : Addl. Standing Counsel

Advocate for Pet/Ap. : Brahmananda Panda, Adv.

Disposition : Application allowed

Judgement :

ORDER

P.K. Tripathy, J.

1. Heard.

2. In this application under Section 482, Cr.P.C. petitioner prays to quash the order of cognizance under Sections 509/506. I.P.C. in G.R. Case No. 2068 of 1997 of the Court of S.D.J.M., Bhubaneswar.

3. Admittedly, petitioner is the accused in the said case. That case was initiated on the basis on the F.I.R. lodged by one Mrs. Swapna Mohanty, the then Assistant Secretary, Orissa State Board of Pharmacy under the Drugs Controller of Orissa, Bhubaneswar.

4. It reveals from the Case Diary that the admitted case of the parties is that on the date of the occurrence i.e. on 17.7.1997 petitioner was the Deputy Drugs Controller (Intelligence) and Member-Secretary of O.S.B.P., Bhubaneswar. When he wanted to assume charge the outgoing Member-Secretary and the present informant did not cooperate with him in respect of taking charge of the examination papers etc., and because of that misunderstanding there were certain development happened in the office as a result of which petitioner put an additional lock in a particular room occupied by the informant and that gave rise to the dispute. Though in the F.I.R. the informant alleged about indecency shown to her by the petitioner, but during the course of investigation the Investigating Officer found that none of the colleagues of the parties made an such allegation of indecency shown by the petitioner. Under such circumstance, a Final Form was submitted. But on perusal of the materials and particularly the statement of the informant, learned S.D.J.M. took cognizance of the offence under Sections 509/506. I.P.C.

5. Regard being had to the ingredients of the aforesaid two offences, this Court finds absence of requirement of law in- as much as there was nothing on record to satisfy the ingredients of Section 506, I.P.C. to the effect that petitioner compelled the informant to do something which he was legally not required to do or prevented her from doing something which she was legally entitled to do Under such circumstances, the allegation of criminal intimidation is not made out, The allegation projected in the F.I.R. is that petitioner caught hold the hand of the informant and asked her to stay. In that context, the informant has not said anything relating to gesture or posture exhibited by the petitioner showing any

indecent. Had there been any such indecent as noted by the Investigating Officer there would not have been a compromise between the informant and the petitioner. Be that as it may, certain exchange of words or regular conduct when discharging official duties by both the parties should not assume a criminal charge. Under such circumstance, the impugned order of cognizance is quashed as well as criminal proceeding of G. R. Case No. 2068 of 1997.

The application under Section 482. Cr. P.C. is allowed accordingly.

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