



IN THE HIGH COURT OF ORISSA AT CUTTACK

CRLMP No. 349 of 2025

Prahallad Chandra Sethy ***Petitioner***

Mr. S. Mishra, Advocate

-versus-

State of Odisha & Others ***Opp. Parties***

Mr. A.K. Apat, AGA

CORAM:

THE HON'BLE MR. JUSTICE CHITTARANJAN DASH

ORDER

21.07.2025

Order No.

- 03.
1. Heard learned counsel for the Parties.
 2. By means of this application, the Petitioner seeks the indulgence of this Court to quash the FIR vide Vigilance P.S. Case No.30 of 2015, corresponding to VGR Case No.31 of 2015 pending before the learned Special Judge, Vigilance, Cuttack.
 3. The background facts of the case are that while the Petitioner was engaged as Ex-ACSO, Jajpur Block, a complaint was lodged by Prasanta Kumar Jena and others



of Sahapur G.P. under Jajpur Block alleging irregularities in drawing the BPL quota on false BPL cards issued in the names of deceased persons. Accordingly, an enquiry was undertaken, whereupon 130 cards were rejected, and the Petitioner, being one of the supervisory authorities in respect of the three G.P.s, was found responsible for the irregularities, causing loss to the State exchequer to the tune of Rs. 5,50,000/- (Rupees Five Lakhs Fifty Thousand only). Consequently, Vigilance P.S. Case No. 30 of 2015 was registered, and upon obtaining sanction from the appropriate authority, V.G.R. Case No. 31 of 2015 under Annexure-2 was proceeded with.

4. The Petitioner submits that the Government, in the Food Supplies and Consumer Welfare Department, passed an order vide letter No. 3676 dated 14/15.02.2011 reducing the quota under the PDS Scheme against the cards cancelled during the annual verification drive undertaken in November 2010. Pursuant to letter No. 2622 dated 07.02.2011, the Petitioner was requested to submit the intensive verification undertaken by all Collectors in the months of November and December 2010 and was further directed to ensure that PDS commodities were not issued against the cards cancelled during the said verification.



5. It is further submitted by the Petitioner that, based upon the report of the enquiry officer, the authority issued charges against the Petitioner vide letter No. 13305 dated 04.07.2018 in accordance with Clause (i) of Sub-Rule (10) of Rule 15 of the OCS (OCC & A) Rules, 1962, calling upon him to submit his representation within fifteen days of receipt of the said notice. The Petitioner submitted his representation. While the authority initially drew the proceedings to a close with a warning, after completion of nine years, sanction for prosecution was accorded pursuant to the FIR lodged by the Vigilance.

6. Learned counsel for the Petitioner submits that the Petitioner retired with effect from 31.03.2025. According to learned counsel, the allegations made against the Petitioner are baseless and illegal, as he had no involvement in the alleged misappropriation except in his capacity as a supervisory authority. It is contended that the allegations primarily concern the officials of the Gram Panchayat and that, even as a supervisory authority, the Petitioner could not, by any stretch of imagination, exercise control over the irregularities committed by those officials. The distribution process was carried out on a monthly basis, and at no point



during earlier verifications had the Petitioner ever come across any such irregularities.

It is also submitted by learned counsel for the Petitioner that complaints were made vide letter dated 06.06.2013 bearing No. 4634 of the B.D.O., Jajpur, wherein allegations were levelled against one Smt. Basantilata Rout, a retailer, and another person, namely Adieta Rout, retailer of Sahapur G.P., regarding illegal drawal of the BPL quota based on forged BPL cards. According to learned counsel, the Petitioner acted under the guidance and supervision of the Collector, and it is the Collector and the field civil supplies executive staff who are responsible for the timely lifting and placement of rice by the storage agents. In view of the above, it is contended that no liability can be fastened on the Petitioner and that the proceeding initiated against him is liable to be quashed.

7. Learned counsel for the State Vigilance vehemently opposed the contentions raised by the Petitioner and submitted that the grounds urged by the Petitioner for quashing of the criminal proceeding are merely grounds of defence and do not, prima facie, disclose any absence of material warranting interference with the continuation of the proceeding.



9. From the contentions raised by learned counsel for the Petitioner, it appears that the Petitioner has sought to show that the irregularities in the distribution of PDS commodities occurred at different levels beyond his responsibility and further that, he having already faced disciplinary proceedings, there remains no cause to proceed against him after nine years of the alleged misconduct. However, such contentions, prima facie, do not absolve him from the allegations appearing against him so as to prevent continuation of the criminal proceeding. These contentions, at best, constitute grounds of defence to be taken during trial but do not make out a case to hold that the Petitioner apparently has no nexus or liability so as to entitle him to complete immunity at the threshold. As such, there is no material before this Court to invoke jurisdiction under Article 226 of the Constitution of India for quashing of the FIR.

10. The Hon'ble Apex Court in its decision in the matter of *State of Haryana and Ors. vs. Ch. Bhajanlal and Ors.* reported in 1992 Supp(1) SCC 335, has laid down the following guidelines for quashing an F.I.R.: -

“(1) Where the allegations made in the first information report or the complaint, even if they are taken at their face value and accepted in



their entirety do not prima facie constitute any offence or make out a case against the accused.

(2) Where the allegations in the first information report and other materials, if any, accompanying the FIR do not disclose a cognizable offence, justifying an investigation by police officers under Section 156(1) of the Code except under an order of a Magistrate within the purview of Section 155(2) of the Code.

(3) Where the uncontroverted allegations made in the FIR or complaint and the evidence collected in support of the same do not disclose the commission of any offence and make out a case against the accused.

(4) Where, the allegations in the FIR do not constitute a cognizable offence but constitute only a non-cognizable offence, no investigation is permitted by a police officer without an order of a Magistrate as contemplated under Section 155(2) of the Code.

(5) Where the allegations made in the FIR or complaint are so absurd and inherently improbable on the basis of which no prudent person can ever reach a just conclusion that there is sufficient ground for proceeding against the accused.

(6) Where there is an express legal bar engrafted in any of the provisions of the Code or the concerned Act (under which a criminal proceeding is instituted) to the institution and continuance of the proceedings and/or where there is a specific provision in the Code or the concerned Act, providing efficacious redress for the grievance of the aggrieved party.



(7) Where a criminal proceeding is manifestly attended with mala fide and/or where the proceeding is maliciously instituted with an ulterior motive for wreaking vengeance on the accused and with a view to spite him due to private and personal grudge.”

11. In view of the foregoing discussion and applying the principles laid down in *Bhajan Lal (Supra)*, this Court finds no ground to exercise its extraordinary jurisdiction to quash the FIR.

12. Accordingly, the CRLMP stands dismissed, leaving it open to the Petitioner to raise all permissible defences in the course of trial. Any observation made herein shall not prejudice the Petitioner’s case before the trial court.

(Chittaranjan Dash)
Judge

Bijay

Signature Not Verified

Digitally Signed
Signed by: BIJAY KETAN SAHOO
Reason: Authentication
Location: HIGH COURT OF ORISSA
Date: 30-Jul-2025 16:31:28

