

IN THE HIGH COURT OF ORISSA AT CUTTACK

CRLMC No.703 of 2011

Debendra Singh.

....

Petitioner

-versus-

State of Odisha & another.

....

Opposite Parties

CORAM: JUSTICE S.PUJAHARI

ORDER
14.03.2022

Order No.

10.

1. This matter is taken up through Hybrid mode.
2. The petitioner in this application under Section 482 of the Code of Criminal Procedure (for short “Cr.P.C.”) has prayed for quashing of the order of cognizance dated 20.08.2008 passed by the learned S.D.J.M., Bhubaneswar in I.C.C. No.2376 of 2008 taking cognizance of the offence under Section 138 of the N.I. Act.
3. Heard the learned counsel for the petitioner and the learned counsel for the State.
4. Learned counsel for the petitioner submits he has received the instruction from his client long back that the cheque amount has already been paid to the opposite party

no.2-Bank. But, since the case is pending years together, he wants to take fresh instruction in the matter and, as such, this matter may be adjourned to some other date.

5. However, since the order-sheet reveals that a peremptory order was passed by this Court on dated 02.09.2014 for dismissing the case as against the opposite party no.2, who is the complainant and the contesting opposite party. The State being not a party to the complaint case, the lis does not survive thereafter. But, by inadvertence, the lis is continuing. As such, this CRLMC stands dismissed as no relief is sought for against the opposite party no.1-State.

6. However, liberty is given to the petitioner to file a joint petition before the Court for quashment of the aforesaid proceeding, if the dispute has been resolved.

7. A copy of this order be communicated to the Court below forthwith.

(S. Pujahari)
Judge

MRS