

IN THE HIGH COURT OF ORISSA AT CUTTACK

CRLMC No.3623 of 2011

Mustafa Hossein & others. ***Petitioners***

-versus-

Taslima Begum. ***Opposite Party***

CORAM: JUSTICE S.PUJAHARI

ORDER
21.03.2022

Order No.

- 06.
1. This matter is taken up through Hybrid mode.
 2. The petitioners in this application under Section 482 of the Code of Criminal Procedure (for short “Cr.P.C.”) have prayed for quashing of the order of cognizance dated 14.09.2011 passed by the learned J.M.F.C., Pipili in I.C.C. No.48 of 2011 taking cognizance of the offences under Sections 341, 323, 294, 354, 506, 451, 458, 379/34 of IPC.
 3. Heard the learned counsel for the parties.
 4. Learned counsel for the petitioners submits that the aforesaid complaint has been lodged in order to harass the petitioners, so also the witnesses examined in this case being relations of the complainant-opposite party, veracity of their

version should have been scrutinized before proceeding against the petitioners. As such, the complaint filed as well as the cognizance taken therein is liable to be quashed.

5. The aforesaid is vehemently opposed by the learned counsel for the complainant.

6. On consideration of the aforesaid contention of the learned counsel for the parties vis-à-vis the materials on record, this Court is of the view that since prima-facie materials are available against the petitioners for which cognizance has been taken, the contention raised on behalf of the petitioners to quash the order of cognizance as well as the consequential proceeding is devoid of merit.

7. However, liberty is given to the petitioners to challenge the same at the stage of framing of charge, if the same has not been framed in the meanwhile, and in that event, the Court in seisin over the matter shall decide the same in its own merit without being influenced by this order.

8. However, at this stage, since it is stated by the learned counsel for the petitioners that the petitioners are ready and willing to appear before the Court below and move for bail, this Court directs that if the petitioners surrender and move for bail in the aforesaid case before the Court in seisin over the matter within six weeks hence, the Court in seisin over the matter shall allow them to go on bail on such terms and conditions as

deemed just and proper, provided they are not indicted in any other graver offence.

9. With the aforesaid order, this CRLMC stands disposed of.

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

(S. Pujahari)
Judge

MRS

