

IN THE HIGH COURT OF ORISSA AT CUTTACK

CRLMC No.3711 of 2015

Subodha Bhadra @ Nilu* *Petitioner

Mr. A.Mishra,
Advocate

-versus-

State of Odisha & another* *Opp. Parties

Mr. S.K.Mishra,
Additional Standing Counsel

**CORAM:
MR.JUSTICE G. SATAPATHY**

**ORDER
17.08.2022**

Order No.

- 05.
1. This is an application under Section 482 Cr.P.C. by the petitioner with a prayer to quash the order taking cognizance dated 4.3.2014 passed by the learned Special Judge, Bhadrak in Special Case No. 24 of 2014 arising out of Bhandaripokhari P.S. Case no. 53 of 2010 for alleged commission of offences under Sections 363, 366(A), 376(2)(n) of the I.P.C. and Section 6 of Protection of children from Sexual offence Act, 2012.
 2. Heard Mr.A.Mishra, learned counsel for the petitioner and Mr.S.K.Mishra, learned Addl. Standing Counsel.
 3. In the course of hearing, learned counsel for the petitioner draws attention of the Court to the 164 Cr.PC. statement of the victim placed at Annexure-4 and submits that there is absolutely no material available on record to proceed against the petitioner for any offences and he accordingly prays to quash the order taking cognizance of

offences. He also submits that the petitioner and the victim have married to each other and are residing happily being blessed with two children.

4. In reply, learned counsel for the State vehemently contends that a proceeding under Section 376 of I.P.C. shall not be quashed merely on the statement of the victim recorded under Section 164 Cr.P.C.

5. On coming back to record, there appears no dispute that the learned Special Judge, Bhadrak has taken cognizance of offence under Sections 363, 366(A), 376(2)(n) of the I.P.C. and Section 6 of Protection of children from Sexual offence Act, 2012. It appears from the statement of the victim recorded under Section 164 Cr.P.C. that the victim has not alleged about sexual assault on her but it is merely on the basis of averments made in the statement recorded under Section 164 Cr.P.C. of the victim, the order taking cognizance for commission of offences under Sections 363, 366(A), 376(2)(n) of the I.P.C. and Section 6 of Protection of children from Sexual offence Act, 2012 cannot be quashed. Further, the matter pertains to the year 2010. Hence without expressing any opinion on the merits of the case this Court directs the learned Special Judge, Bhadrak to dispose of Special Case No. 24 of 2014 as expeditiously as possible preferably within a period of three months of receipt of the copy of this order.

6. Accordingly the CRLMC is disposed of.

7. Urgent certified copy of the order be granted on proper application.

