

IN THE HIGH COURT OF ORISSA AT CUTTACK

CRLMC No.1050 of 2013

Elina Lenka & another* *Petitioners

-versus-

State of Odisha & another* *Opposite Parties

CORAM: JUSTICE S.PUJAHARI

Order
No.

ORDER
20.06.2022

06.

1. This matter is taken up through Hybrid Mode.
2. This application under Section 482 of Cr.P.C. has been filed by the Petitioners for quashment of the proceeding in Criminal Misc. Case No.6 of 2013 pending in the court of learned S.D.J.M., Niligiri.
3. Heard learned counsel for the Petitioners. None appears for the Opposite Party No.2.
4. It appears that Opposite Party No.2, who happens to be the husband of Petitioner No.1 in this case, has filed a petition under Section 97 Cr.P.C before the S.D.J.M., Nilgiri, which is registered as Criminal Misc. Case No.6 of 2013 praying for issuance of search warrant alleging illegal confinement of Petitioner No.1-wife by Petitioner No.2, who happens to be his father-in-law. However, Petitioner No.1 subsequently lodged a report before Mahila P.S., Rourkela alleging that she has been tortured and attempt to murder was made by Opposite Party No.2-husband and her in-laws, which was registered as Rourkela Mahila P.S. Case No.14 of 2013.

5. Since Petitioner No.1-wife, who happens to be a major, on her own volition having left the company of her husband- Opposite Party No.2 and residing with her father-Petitioner No.2, the criminal proceeding under Section 97 Cr.P.C. for issuance of search warrant is misconceived more so when Petitioner No.1 has come forward to challenge the same. Accordingly, the Criminal Misc. Case No.6 of 2013 pending before the learned S.D.J.M., Nilgiri including the issuance of search warrant, if any, stands quashed.

6. With the aforesaid order, this Criminal Misc. Case stands disposed of being allowed.

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

(S. Pujahari)
Judge

PKS