

IN THE HIGH COURT OF ORISSA AT CUTTACK

CRLMC No.2555 of 2010

Malati Mohanty @ Mallick & another. ***Petitioners***

-versus-

State of Odisha & another. ***Opposite Parties***

CORAM: JUSTICE S.PUJAHARI

ORDER
22.02.2022

Order No.

10. 1. This matter is taken up through Hybrid mode.
2. The petitioners are the victim and the accused and both of them in this application under Section 482 of the Code of Criminal Procedure (for short “Cr.P.C.”) have prayed for quashing of the entire criminal proceeding in C.T. No.1972 of 2009, arising out of Balasore Sadar P.S. Case No.216 of 2009, pending on the file of the learned S.D.J.M., Balasore on the ground that both of them are living as husband and wife now and the victim does not want to proceed with the present litigation.
3. No one appears for the petitioners at the time of call. This case is of the year 2010 and one decade has already been

passed from the date of filing of this case. Stage of the investigation is also not known. As such, the petitioners appear to be recalcitrant litigants and have lost interest in the present litigation. Hence, this CRLMC stands dismissed for non-prosecution. Interim order dated 15.11.2010 passed by this Court stands vacated.

4. However, this Court observes that the petitioner, if so aggrieved, may challenge the order of cognizance if charge-sheeted and proceeded in the case, and case is pending for framing of charge and in that event, the Court in seisin over the matter shall taking into consideration the facts and circumstances, decide the matter in its own merit.

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

(S. Pujahari)
Judge

MRS