

IN THE HIGH COURT OF ORISSA AT CUTTACK

CRLMC No.3158 of 2011

Haribandhu Padhan.

....

Petitioner

-versus-

State of Odisha.

....

Opposite Party

CORAM: JUSTICE S.PUJAHARI

ORDER
21.03.2022

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 05.08.2011 passed by the learned J.M.F.C., S. Rampur in G.R. Case No.132 of 2010 taking cognizance of the offences under Sections 353, 294, 506 of IPC and Section 3 of the S.C. & S.T. (PoA) Act.
3. Heard the learned counsel for the petitioner and the learned counsel for the State.
4. Learned counsel for the petitioner submits that since a complaint case was lodged against the Informant at the instance of the present petitioner vide 1.C.C. No.19 of 2010 as he being a Junior Engineer misbehaved the petitioner and the police did not

receive his F.I.R., he had foisted this false case against the petitioner to harass him on false allegation. In such premises, he submits to quash the order of cognizance and well as the consequential proceeding against the petitioner.

5. Learned counsel for the State on the other hand submits that since prima-facie material is available against the petitioner, notwithstanding a complaint was filed against the Informant at the instance of the petitioner, the impugned order of cognizance is not liable to be quashed on that ground.

6. After hearing the learned counsel for the parties and on going through the materials available on record, this Court is of the view that prima-facie materials are there for the offences in which cognizance has been taken and proceeding against the petitioner.

7. Hence, this CRLMC filed challenging the impugned order of cognizance being devoid of merit stands dismissed. Interim order dated 28.09.2011 passed by this Court stands vacated.

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

(S. Pujahari)
Judge

MRS