

IN THE HIGH COURT OF ORISSA AT CUTTACK

CRLMC No.2477 of 2012

Suresh Nag & others.

....

Petitioners

-versus-

State of Odisha & another.

....

Opposite Parties

CORAM: JUSTICE S.PUJAHARI

ORDER

11.04.2022

Order No.

04.

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 10.06.2011 passed by the learned S.D.J.M., Paralakhemundi in G.R. Case No.111 of 2011 taking cognizance of the offences under Sections 341, 323, 294, 452 and 354/34 of IPC.
3. However, the learned counsel appearing for the petitioners submits to quash the impugned order of cognizance as well as the entire criminal prosecution launched against the petitioners as the dispute between the parties has already been compromised out of Court and opposite party no.2-wife has

already filed an affidavit indicating therein that she does not want to proceed with the present litigation.

4. Since no one appears on behalf of the opposite party no.2-wife in this case, this Court is not inclined to accept the aforesaid submission of the learned counsel for the petitioners. Hence, this CRLMC filed challenging the impugned order being devoid of any merit stands dismissed. Interim order dated 05.09.2012 passed by this Court stands vacated.

5. However, liberty is given to the petitioners to file a joint petition before the Court for quashment of the aforesaid proceeding, if pending on the aforesaid ground.

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

(S. Pujahari)
Judge

MRS