

IN THE HIGH COURT OF ORISSA AT CUTTACK

CRLMC No.1925 of 2016

Surjeet Singh Ahuja and others *Petitioners*
Mr. M.K. Mohapatra, Advocate

-versus-

State of Orissa *Opp. Party*
Mr.S.R. Roul, A.S.C.

CORAM:
JUSTICE G. SATAPATHY

ORDER
11.11.2022

Order No.

07. 1. This matter is taken up through Hybrid Arrangement (Virtual /Physical Mode).
2. This is an application under section 482 of Cr.P.C. by the Petitioners seeking to quash the order passed by the learned J.M.F.C., Khariar on 11.01.2010 in G.R. Case No. 363 of 2007 taking cognizance of offence under section 498-A/506/34 of IPC.
3. In the course of hearing, Mr. M.K. Mohapatra, learned counsel for the Petitioners submits that the O.P. No.2-cum-Informant by the F.I.R. has roped all her in-laws leaving her husband for commission of offences under section 498-A/506/34 of IPC which in the circumstance is quite improbable and a bare perusal of the FIR together with statement of witnesses would go to indicate that in order to pressurize the family members of the Petitioners to protect the marital relationship between her cousin with one of the relative of her husband, the Informant-O.P. No.2 has foisted this criminal case, which is quite palpable from materials on record. It is also submitted by the learned counsel that there is absolutely no material on record to indict the Petitioners for any offence and to make out a case against any of the Petitioners for offence under section 498-A of IPC since the allegations on record do not disclose the basic ingredients

of such offence. Learned counsel for the Petitioners, however, alternatively submits that the criminal case is pending since 2010, it would be better that such case may be disposed of as early as possible and he also fairly submits that the case is right now posted for consideration of charge. It is, accordingly, prayed to dispose of the CRLMC with grant of liberty to the Petitioners to raise all those points as available at the time of consideration of charge before the learned Trial Court and in case the Petitioners were not discharged from the case, the trial of the case may be targeted with a timeline for its disposal.

4. In reply, learned counsel for the State opposes the prayer of the Petitioners and submits that the materials on record clearly disclose a prima facie case against the Petitioners and the CRLMC being unmerited may kindly be dismissed.

5. In view of the aforesaid submissions of the parties and taking into consideration that the criminal case is pending since 2010, this Court without expressing any opinion on merit of the case disposes of this CRLMC granting liberty to the Petitioners to raise all those points available to them as permissible under law at the time of consideration of charge and in case the Petitioners are found not discharged, the learned J.M.F.C., Khariar/the Court in seisin of the case is requested to conclude the trial as expeditiously as possible preferably within a period of six months of receipt/production or communication of a copy of this order.

6. Hence, this CRLMC is accordingly disposed of.

(G. Satapathy)
Judge

