

IN THE HIGH COURT OF ORISSA AT CUTTACK
CRLMC No.33 of 2021

Srinibash Sahu & Ors.

....

Petitioners

Mr. S.K. Nayak-2, Adv.

-versus-

State of Odisha

....

Opposite Party

Mr. Sibani Shankar Pradhan, AGA

CORAM:

MR. JUSTICE S.K. PANIGRAHI

ORDER

01.02.2022

Order No.

03.

1. This matter is taken up through Video Conferencing mode.
2. Heard learned counsel for the parties.
3. In this CRLMC, the petitioners have made a prayer to quash the order dated 16.07.2020 passed by the learned S.D.J.M., Bhadrak in G.R. Case No.261 of 2018 taking cognizance of the offences under Sections 498A/ 506/ 379/ 406/ 34 of the I.P.C.
4. Learned counsel for the petitioners submits that firstly the offence under Section 498A of the I.P.C. is not made out against the petitioners, since the ingredients are grossly absent. He further submits that as per the report of the Addl. S.P., IUCAW, Bhadrak, the offences under Sections 379/ 294/ 323/ 506 of the I.P.C. also not made out, as the allegations in the complaint have not been reflected in proper prospective. In view of such facts and circumstances, the petitioners pray for quashing of the order dated 16.07.2020 passed by the learned S.D.J.M., Bhadrak in the aforesaid case.
5. Learned counsel for the State, on the other hand, submits that the petitioners may ventilate the similar grievance before the

trial court to discharge them of the said offences at the time of framing of charge.

6. Having heard the learned counsel for the petitioner and the learned Additional Government Advocate for the State, this CRLMC is disposed of with liberty granted to the petitioners to raise all the contentions raised in this application on the basis of materials placed before this Court at the time of framing of charge. In such event, the learned trial court shall consider and pass order in accordance with law.

7. Accordingly, this CRLMC is disposed of.

8. As the restrictions due to resurgence of Covid-19 are continuing, learned counsel for the parties may utilize a printout of the order available in the High Court's website, at par with certified copy, subject to attestation by the Advocate concerned with his/her seal, in the manner prescribed vide Court's Notice No.4587 dated 25th March, 2020 and Court's Office Order dated 7th January, 2022.

(S.K. Panigrahi)
Judge

BJ