

IN THE HIGH COURT OF ORISSA AT CUTTACK

CRLMC No.2009 of 2010

Rabi Narayan Panda

• • • •

Petitioners

versus-

State of Orissa and another

• • • •

Opposite Parties

CORAM: JUSTICE S. PUJAHARI

ORDER

07.03.2022

Order

No.

10.

1. This matter is taken up through hybrid mode.

2. This application under Section 482 of Cr.P.C. has been filed by the Petitioner with a prayer to quash the order dated 17th May, 2010 passed by the learned J.M.F.C., Daspalla in I.C.C. Case No.17 of 2010, taking cognizance of the offences under Sections 294 and 354 of the I.P.C.

3. No one appears on behalf of the Opposite Party No.2-Complainant.

4. Heard the learned counsel for the Petitioner and the learned counsel for the State-Opposite Party No.1.

5. The allegation made against the Petitioner is that on 4th April, 2010 at around 9.00 P.M., the Petitioner, who is a Range Officer, Daspalla in the district of Nayagarh, came to the house of the Opposite Party No.2 in search of the husband of the Opposite Party No.2-Complainant uttering obscene words who released him on bail. Then he came to the verandah of the house and when the Opposite Party No.2 made protest, the Petitioner again uttered obscene words pulled

her hair and sari, as a result of which, she became naked and also assaulted her by fist and kick blows. It is also alleged that the Petitioner had threatened the Opposite Party No.2 that he would book false case against them and would set fire to their house. Hence, the complaint.

6. On the basis of the initial statement and the statement of the witnesses examined under Section 202 of Cr.P.C., cognizance was taken for the offences as stated earlier and the Petitioner has been proceeded with.

7. The Petitioner challenges the same in this petition under Section 482 of Cr.P.C. to quash the same on the ground that the same has been made being actuated with malice.

8. I have perused the materials on record and heard the learned counsel for the Petitioner as well as learned counsel for the State.

9. It appears that the Tractor and Trolley of the son of the Opposite Party No.2-Complainant was seized for alleged commission of forest offence vide Offence Report No.5 of 2010 dated 27.1.2010 by the Petitioner inasmuch as the Tractor was found to be transporting the granite stones from the reserve forests and he was forwarded to the court of J.M.F.C., Daspalla on criminal case lodged for such offence committed. A proposal was submitted to the Authorized Officer vide Memo No.73 dated 27.1.2010 for initiation of confiscation proceeding under Section 56 of the Orissa Forest Act against his said vehicle by the Petitioner. Thereafter, the Petitioner having been extended threat by son and husband of the Opposite Party No.2-Complainant, F.I.R. was lodged before Daspalla Police Station vide Daspalla P.S. Case No.24 of 2010 against them alleging offences under Sections 506, 353 read with Section 34 of the I.P.C. by the Petitioner. Thereafter, the aforesaid

allegation has been made against the Petitioner by the Opposite Party No.2-Complainnat. So also another complaint by her husband on a different allegation at a belated stage.

10. This Court, therefore, has every reason to believe that the same was lodged being actuated with malice. As such, for the ends of justice, this Court is of the view that the proceeding against the Petitioner in the aforesaid complaint case deserves to be quashed in the interest of justice.

11. Accordingly, this Court allows this Criminal Misc. Case and set aside the impugned order of cognizance. Consequently, the criminal proceeding in I.C.C. No.17 of 2010 on the file of the learned J.M.F.C., Daspalla against the Petitioner is hereby quashed. The learned J.M.F.C., Daspalla or the Court in seisin over the matter shall on receipt of this order/production of the certified copy of this order, close the proceeding in the aforesaid case in compliance of this order.

12. Urgent certified copy of this order be granted on proper application.

(S. Pujahari)
Judge

DA