

IN THE HIGH COURT OF ORISSA AT CUTTACK

CRLMC No.2575 of 2012

Munu Sahu @ Sahoo

....

Petitioner

M/s. A. Pradhan , Advocate and associates

-versus-

State of Orissa and another

....

Opposite Parties

Mr. A.P. Das, A.S.C. for the State

**CORAM:
THE CHIEF JUSTICE**

ORDER

13.05.2022

Order No.

07. 1. The present application challenges an order dated 22nd May 2012 passed by the SDJM, Rairakhol in CT No.165 of 2011 taking cognizance as against the present Petitioner-Accused under Sections 420, 294 and 506 of IPC.
2. While directing notice to issue in the present application on 7th November 2012, the further proceedings in the aforementioned case was stayed by this Court. That stay has continued since. None appears for Opposite Party No.2 today although appearance had been entered into by the counsel on his behalf.
3. The background of the present application is that the Complainant and the present Petitioner were residing together as husband and wife. The allegation was that she took a sum of Rs.1.5lakhs from him on the assurance that she would marry him. When the Complainant came to know that the Accused was going to marry to some other person, he then filed a complaint petition which was then referred under Section 156 (3) by the SDJM to the

Inspector-in-Charge, Charnal P.S. to register a case and investigate the alleged offences. However, Police filed a final form on 3rd October 2011 describing the FIR to be false. Thereafter, notice was issued to the Complainant who filed a protest petition on 2nd November 2011. That was allowed by the SDJM and the matter was fixed on 8th November 2011 for initial statement. On perusal of the said statements recorded under Section 202 Cr.P.C., the SDJM passed the impugned order taking cognizance which has been challenged in the present application.

4. Copy of the statements recorded under Section 202 Cr.P.C. have been enclosed with the present petition. They do not actually make out a case for any of the offences for which cognizance has been taken. It appears to be a purely civil dispute and has been given the colour of a criminal case which is nothing but sheer harassment of the Petitioner.

5. Consequently, the Court sets aside the impugned order dated 22nd May 2012 passed by the learned SDJM, Rairakhol in the aforementioned CT Case No.165 of 2011. The CRLMC is accordingly allowed with no order as to costs.

6. Urgent certified copy of this order be issued as per rules.

(Dr. S. Muralidhar)
Chief Justice

S.K. Guin