

IN THE HIGH COURT OF ORISSA AT CUTTACK

CRLMC No.4941 of 2011

Niranjan Dwivedy

....

Petitioner

Ms. D. Mohapatra, Advocate

-versus-

State of Odisha and another

....

Opposite Parties

Mr. Debakanta Mohanty, AGA and

Ms. M. Panda, Legal Aid Counsel for Opposite Party No.2

**CORAM:
THE CHIEF JUSTICE**

**ORDER
26.08.2022**

Order No.

10. 1. Learned counsel for the Petitioner prays for quashing of Daringibadi P.S. Case No.38 dated 22nd July, 2010 corresponding to G.R. Case No.66 of 2010 (TR No.83 of 2011) pending in the Court of JMFC, Daringibadi, Kandhamal District arising out of ICC No.5 of 2010 filed by Opposite Party No.2 under Section 294 IPC and Sections 3(1)(x) and 2(vii) of the SC and ST (PoA), Act.
2. Having heard learned counsel for the parties, the Court is of the view that the central issue claimed by the Petitioner arising in the present case viz., that the alleged abuse took place within the chamber of the Petitioner and not in the public view can be tested only at trial and not at this stage.
3. Consequently, leaving it open to the Petitioner to raise all the pleas raised in the present petition at the appropriate stage in the

trial Court, the petition is disposed of. It is clarified that the Court has not expressed any view in the matter. The interim order passed earlier stands vacated.

4. The Superintendent of the concerned Branch is directed to immediately communicate this order to the concerned Subordinate Court.

(Dr. S. Muralidhar)
Chief Justice

M. Panda

