

IN THE HIGH COURT OF ORISSA AT CUTTACK

CRLMC No. 158 of 2014

Himansu S. Panda

....

Petitioner

Mr. Niranjana Lenka, Advocate

-versus-

State of Odisha and Another

....

Opposite Parties

Mr. J. Katikia, Addl. Govt. Advocate

**CORAM:
THE CHIEF JUSTICE**

**ORDER
20.05.2022**

Order No.

- 08.
1. Opposite Party No.2 does not appear, despite service of notice.
 2. The present petition has been filed seeking the quashing of order dated 15th April, 2013 passed by the learned S.D.J.M., Kendrapara taking cognizance of the offence under Section 498-A/406/506 IPC read with Section 4 of the Dowry Prohibition Act in G.R. Case No. 1370 of 2012.
 3. The fact of the matter is that the divorce has already been granted between the parties by the order dated 27th August, 2011 of the Family Court, Cuttack in Civil Proceedings No.1047 of 2009 under Section 13 of the Hindu Marriage Act, 1955. That order has become final. The complaint itself has seems to have been filed much later on 21st December, 2012 in respect of events that took place in 2003. Clearly, the complaint itself is time bared.

4. Without appreciating these facts, the trial Courts appears to have proceeded to take cognizance by the impugned order.

5. With Opposite Party No.2 not appearing despite service of notice, the above averments of the Petitioner remain uncontroverted. Consequently, the order dated 15th April, 2013 passed by the learned S.D.J.M., Kendrapara in G.R. Case No.1370 of 2012 is hereby quashed. The petition is disposed of.

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

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

(Dr. S. Muralidhar)
Chief Justice

S.K. Jena/Secy.

