

IN THE HIGH COURT OF ORISSA AT CUTTACK

CRLMC No.970 of 2015

Rabindra Sethi

....

Petitioner

-versus-

Prafulla Sethi

....

Opposite Party

CORAM: JUSTICE S.PUJAHARI

ORDER

16.08.2022

Order
No.

06.

1. This matter is taken up by Hybrid mode.
2. This application under Section 482 Cr.P.C. has been filed by the Petitioner for quashment of the order dated 03.12.2013 passed by the learned J.M.F.C., Soro in ICC Case No.110 of 2013 wherein the learned J.M.F.C. has taken cognizance under Sections 498-A/304-B IPC and Section 4 of the D.P Act against the in-laws members but not proceeded with against the husband of the deceased.
3. Learned counsel for the Petitioner submits that though incriminating materials are available against the husband of the deceased, but the learned J.M.F.C has not taken cognizance against him. Therefore, the impugned order is liable to be quashed.
4. Considering the facts and the submissions made, this Court is not inclined to interfere with the impugned order but directs the trial court, in the event case is committed to the Court of

Session and during the course of evidence any material comes against the husband of the deceased, to proceed against him under Section 319 Cr.P.C., notwithstanding the fact that he has not been proceeded by the learned J.M.F.C., Soro in this Case.

5. With the aforesaid order, this CRLMC stands disposed of.

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

PKS

