

IN THE HIGH COURT OF ORISSA AT CUTTACK

CRLMC No.1451 of 2011

Kulamani Patel

....

Petitioner

-versus-

State of Odisha

....

Opposite Party

CORAM: JUSTICE S.PUJAHARI

ORDER

14.03.2022

Order No.

06.

1. This matter is taken up through Hybrid mode.
2. Heard the learned counsel for the petitioner and the learned counsel for the State.
3. The petitioner in this application under Section 482 of the Code of Criminal Procedure (for short "Cr.P.C.") has prayed for quashing of the order of cognizance dated 25.10.2010 passed by the learned S.D.J.M., Kuchinda in G.R. Case No.437 of 2004 taking cognizance of the offences under Sections 409, 201/34 of I.P.C.
4. As it appears in this case, the police on investigation filed final report. But, the learned S.D.J.M., Kuchinda when directed for further investigation suo-motu, on receipt of the same, the police submitted charge-sheet and the learned

Magistrate took cognizance of the same and decided to proceed against the petitioner. Hence, a prayer has been made to quash the order of cognizance as well as the proceeding, submits the learned counsel for the State.

5. Learned counsel for the State, however, defended the order impugned.

6. Considering the facts and submissions made, especially the law laid down by the Apex Court in the case of *Abhinandan Jha and others vrs. Dinesh Mishra*, reported in AIR 1968 S.C. 117 that the Magistrate on receipt of the final form can direct further investigation and not bound to accept the same, this CRLMC filed challenging the impugned order of cognizance is devoid of merit and, as such, stands dismissed.

7. However, liberty is given to the petitioner to raise all the contentions at the time of framing of charge.

8. A copy of this order be communicated to the Court below forthwith.

(S. Pujahari)
Judge

MRS