

IN THE HIGH COURT OF ORISSA AT CUTTACK

CRLMC No.439 of 2013

Sri Siddhartha Das and others *Petitioners*
versus-
State of Odisha and another *Opposite Parties*

CORAM: JUSTICE S. PUJAHARI

Order
No.

ORDER
04.07.2022

04. 1. This matter is taken up through hybrid mode.
2. This application under Section 482 of Cr.P.C. has been filed by the Petitioners with a prayer to quash the criminal case registered against them vide Bhubaneswar Mahila P.S. Case No.121 of 2005, corresponding to G.R. Case No.3733 of 2005, pending in the court of S.D.J.M., Bhubaneswar.
3. Heard the learned counsel for the Petitioners and the learned counsel for the State-Opposite Party No.1. No one appears on behalf of the Opposite Party No.2-wife (Informant) in spite of sufficiency of notice.
4. Petitioners has sought for quashment of the F.I.R. on the ground of compromise.
5. It is stated that since the Opposite Party No.2-wife (Informant) has filed an affidavit before the S.D.J.M., Bhubaneswar stating therein that she is no more interest to

proceed with the criminal case against the Petitioners, the proceeding be quashed.

6. However, since the proceeding cannot be said to be pending before the S.D.J.M., Bhubaneswar inasmuch as charge sheet in this case has not been filed and cognizance has not been taken and also no one appears on behalf of the Opposite Party No.2-Informant in spite of sufficiency of notice, the prayer made by the Petitioners to quash the F.I.R. on the ground stated is, therefore, devoid of merit.

7. Accordingly, the CRLMC stands dismissed.

8. However, in the meanwhile, if charge sheet has been filed and the Petitioners are proceeded with in the aforesaid case and if so aggrieved by the same, they may challenge the same before the appropriate court in an appropriate proceeding.

(S. Pujahari)
Judge

DA