

**IN THE HIGH COURT OF ORISSA AT CUTTACK**

**CRLMC No.37 of 2012**

*Laxmidhar Bhuyan* ..... *Petitioner*  
-versus-  
*State of Orissa and another* ..... *Opposite Parties*

**CORAM: JUSTICE S. PUJAHARI**

**ORDER**

**04.08.2022**

**Order**  
**No.**

11.           1.       This matter is taken up through hybrid mode.
2.       This application under Section 482 of Cr.P.C. has been filed by the Petitioner with a prayer to quash the order of dated 6<sup>th</sup> September, 2011 passed by the learned J.M.F.C., Soro in C.T. No.549 of 2011 wherein cognizance of the offences under Sections 294 and 506 of the I.P.C. has been taken.
3.       Heard the learned counsel for the Petitioner and the learned counsel for the State-Opposite Party No.1.
4.       Petitioner has sought for quashment of the order of cognizance on the ground that no material is there to proceed against him inasmuch as entire allegation of the prosecution is nothing but tissue of falsehood and the same has been raised concocting the fact, as the case was registered against the Opposite Party No.2-Complainant, who is a Doctor, for his indecent behaviour to the wife of the present Petitioner while

treating her to complaint of pain of her body. It is not disputed that a case has also been registered against the Opposite Party No.2-Complainant for such indecent behaviour at the instance of the wife of the preset Petitioner. The allegation has been made that the Petitioner having no reason while making such treatment alleging indecent behaviour to his wife and abuse and assaulted her and also extended threat. In this case, after investigation, charge sheet under Sections 294 and 506 of the I.P.C. has been filed against the Petitioner. No doubt, a counter case is also there at the instance of the wife of the Petitioner, but the same can hardly be a ground to say that against the Petitioner, therefore, the case has been falsely foisted in this case. Since the materials available on record discloses the commission of the aforesaid offences by the Petitioner, even if a counter case is pending, the same is no ground to come to a conclusion that the allegation has been falsely raised against the Petitioner and, as such, the petition filed by the Petitioner seeking quashment of the cognizance and the prosecution against him on the ground stated is devoid of merit.

5. Accordingly, the Criminal Misc. Case is dismissed.

6. Interim order dated 13<sup>th</sup> December, 2012 passed in Misc. Case No.25 of 2012 stands vacated.

**(S. Pujahari)**  
**Judge**