IN THE HIGH COURT OF ORISSA AT CUTTACK

CRLMC No.2164 of 2012

Basanta Choudhury. .... ***Petitioner***

-versus-

State of Orissa & another. .... ***Opposite Parties***

CORAM: JUSTICE S.PUJAHARI

ORDER
22.03.2022

Order No.

08. 1. This matter is taken up through Hybrid mode.

2. 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 02.12.2011 passed by the learned S.D.J.M., Bhanjanagar in G.R. Case No.27 of 2011 taking cognizance of the offences under Sections 448, 379, 354 and 506 of IPC.

3. Heard the learned counsel for the petitioner and the learned counsel for the State.

4. Learned counsel for the petitioner submits that the allegation made against the petitioner being actuated with malice and the dispute is being civil in nature, the impugned

order of cognizance as well as the entire criminal prosecution launched against the petitioner may be quashed.

5. Learned counsel for the State, however, opposes the aforesaid submission of the learned counsel for the petitioner.

6. Considering the fact that the petitioner allegedly demolished the house of the informant in her absence and also criminally intimidated her, even if the dispute arose over the possession of the land, the same cannot be said to be purely civil in nature. Accordingly, this CRLMC filed for quashment of the impugned order of cognizance on the ground stated being devoid of any merit stands dismissed. Interim order dated 01.10.2012 passed by this Court stands vacated.

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

(S. Pujahari)
Judge

MRS