

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

**CRLMC No.3731 of 2011**

***B. Dharma Rao & another.*** .... ***Petitioners***

***-versus-***

***P. Damayanti.*** .... ***Opposite Party***

**CORAM: JUSTICE S.PUJAHARI**

**ORDER**

**16.03.2022**

**Order No.**

06.

1. This matter is taken up through Hybrid mode.
2. The petitioners in this application under Section 482 of the Code of Criminal Procedure (for short “Cr.P.C.”) have prayed for quashing of the order dated 08.08.2011 passed by the learned J.M.F.C., Patrapur in I.C.C. Case No.7 of 2011 taking cognizance of the offences under Sections 294, 323, 354/34 of Cr.P.C.
3. Heard the learned counsel for the petitioners and the learned counsel for the State.
4. Learned counsel for the petitioners submits that the allegation made in the complaint petition is nothing, but false and concocted allegation and it is a counter blast to the prosecution launched by the petitioners in K. Nuagam Police Station vide K.

Nuagam P.S. Case No.45 of 2011 against the husband of the present opposite party-informant and another.

5. Considering the facts and submissions made, this Court is not inclined to interfere with the impugned order of cognizance, inasmuch as this Court at this stage is not in a position to accept such submission and the attending circumstances do not justify the same. Interim order dated 01.12.2012 passed by this Court stands vacated.

6. However, since it is stated by the learned counsel for the petitioners that the petitioners are ready and willing to appear before the Court below and move for bail, this Court directs that if the petitioners surrender and move for bail before the Court in seisin over the matter pursuant to the summon issued in the aforesaid case within six weeks hence, the Court in seisin over the matter shall allow them to go on bail on such terms and conditions as deemed just and proper, provided they are not indicted in any other graver offence.

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

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

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

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

MRS