

IN THE HIGH COURT OF ORISSA AT CUTTACK

CRLMC No.311 of 2016

Kiran Behera and another* *Petitioner

-versus-

State of Odisha and another* *Opposite Parties

CORAM: JUSTICE S. PUJAHARI

ORDER

16.02.2022

Order

No.

07.

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 entire criminal proceeding relating to F.I.R. vide Thelkoli P.S. Case No.09 of 2016, corresponding to G.R. Case No.241 of 2016, pending in the Court of S.D.J.M., Sambalpur.
3. Heard the learned counsel for the Petitioners and the learned counsel for the State.
4. The Petitioners have sought for quashment of the proceeding on the ground that the allegations are false and concocted.
5. However, it is submitted that though F.I.R. was filed in the year 2016, but investigation in this case has not been completed and charge sheet has not been filed. In the meanwhile, Petitioners have

compromised the matter with the Opposite Party No.2, but Opposite Party No.2 being not traceable, they are not unable to file their affidavit in this case. In such premises, the proceeding be quashed.

6. Regard being heard to the facts and submissions made, especially when the F.I.R. reveals a prima facie case, this Court is not inclined to quash the aforesaid proceeding on the ground of compromise, especially when injured has not appeared and filed affidavit in support of such contention.

7. However, since it is a case of the year 2016 and investigation has not been completed yet and charge sheet has not been filed though it is a case under Section 394 of I.P.C., it is directed that if the final form is not submitted by police within six months of production of certified copy of this order to the I.I.C. concerned, the court shall pass necessary order to close the case. However, if the charge sheet has been filed or is filed within the stipulated period, the Petitioners are at liberty to challenge the order of cognizance, if they are aggrieved by the same, before the appropriate forum.

8. With the aforesaid order, the CRLMC stands disposed of.

(S. Pujahari)
Judge

DA