

IN THE HIGH COURT OF ORISSA AT CUTTACK

CRLMC No.462 of 2018

Sandhyarani Parida and others* *Petitioners

-versus-

State of Orissa* *Opposite Party

CORAM: JUSTICE S. PUJAHARI

ORDER

12.04.2022

Order

No.

09.

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 order of cognizance dated 11th December, 2015 passed by the learned J.M.F.C., Nimapara in G.R. Case No.344 of 2015.
3. Heard the learned counsel for the Petitioners and the learned counsel for the State.
4. The allegation of the prosecution is that when the Informant party was staying in the Kalakanhu Kalyan Manda, the Petitioners and Mangala Prasad Parida came there and abused and assaulted, so also they allegedly tried to rape the aunt of the Informant.
5. However, during the time of investigation, none of the witnesses have stated the version made in the F.I.R. and all of

them stated that it was the Mangala Prasad Parida, who had committed the offence. The parties are in litigating terms. The offence alleged under Sections 341, 323, 354, 294, 506 read with Section 34 of the I.P.C.

6. Considering the aforesaid facts and submissions made, this Court has every reason to believe that other co-accused except Mangala Prasad Parida has been implicated in this case being actuated with malice.

7. I would, therefore, allow this Criminal Misc. Case and quash the impugned order of cognizance as well as the entire criminal prosecution launched qua the Petitioners. The trial court shall do well to comply with this order on production of the certified copy of this order. But quashment of the proceeding shall not stand on the way of the appellate court to proceed against the Petitioners, if during trial any evidence is brought to record, satisfying the requirement of law, arraying them as accused under Section 319 of Cr.P.C.

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

(S. Pujahari)
Judge

DA