

IN THE HIGH COURT OF ORISSA AT CUTTACK

CRLMC No.1158 of 2019

Himansu Kumar Mahala ***Petitioner***

-versus-

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

CORAM: JUSTICE S.PUJAHARI

ORDER

11.04.2022

Order
No.

07.

1. This matter is taken up by Hybrid mode.
2. This application under Section 482 Cr.P.C. has been filed by the Petitioner for quashment of the second FIR in connection with Parlakhemndi P.S. Case No.102 of 2018 corresponding to G.R. Case No.248 of 2018 pending in the court of learned S.D.J.M., Parlakhemundi. For the self-same cause of action, in another FIR in connection with Gunupur P.S. Case No.45 of 2018 corresponding to G.R. Case No.90 of 2018 pending in the court of learned S.D.J.M., Gunupur, charge sheet has been filed.
3. From the FIR allegations it reveals that the wife had filed the first FIR challenging the cruelty meted to her but subsequently she made an allegation of miscarriage as such the second FIR has been filed. However, the cause of action being distinct and different and no doubt in both the FIRs the allegation of 498-A IPC is there, this Court is not inclined to take resort to Section 186 Cr.P.C. to pass any order but in the

facts and circumstances of the case directs that both the cases be tried by the learned S.D.J.M., Parlakhemundi by clubbing together. The S.D.J.M, Gunupur on receipt of the order shall transfer the case to the court of S.D.J.M., Parlakhemndi.

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

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

6. Interim order passed earlier stands vacated. This order be communicated to the trial court immediately.

(S. Pujahari)
Judge

PKS

