

IN THE HIGH COURT OF ORISSA AT CUTTACK

CRLMC No.1490 of 2016

Sujata Dey

....

Petitioner

M/s. B. Sahoo and associates, Advocates

-versus-

State of Odisha and others

...

Opposite Parties

Mr. Janmajaya Katikia, AGA

**CORAM:
THE CHIEF JUSTICE**

Order No.

**ORDER
09.12.2022**

03. 1. Although Mr. Akhaya Kumar Samal, Advocate entered appearance on behalf of Opposite Party No.2, none appears today on his behalf.
2. In the present petition, the Petitioner seeks the quashing of an order dated 2nd March, 2016 passed by the learned S.D.J.M., Bolangir in 1 C. C. No.150 of 2015 taking cognizance of the offence punishable under Section 500 IPC against the Petitioner at the instance the complainant Opposite Party No.2, who happens to be the father-in-law of the Petitioner.
3. Earlier, on the complaint of the present Petitioner, G.R. Case No.435 of 2012 was registered in the Court of the learned S.D.J.M., Sundargarh against Opposite Party No.2 and two others for the offence punishable under Section 498-A/34 IPC read with Section 4 of the Dowry Prohibition Act. In the trial that ensued, the Opposite Party No.2 and the other accused were acquitted by a judgment dated 26th November, 2013 passed by the J.M.F.C., Sundargarh. Nearly two years thereafter on 16th November 2015,

Opposite Party No.2 filed a complaint as a result of which 1. C.C. No.150 of 2015 was registered against the present Petitioner.

4. Learned counsel for the Petitioner submits that cognizance was taken by the S.D.J.M., Bolangir without noticing that the complaint related to an incident that purportedly occurred on 2nd June, 2012. He contends that the aspect of limitation under Section 468 Cr PC was completely overlooked by the SDJM.

5. Although notice was issued in the present petition way back on 21st July 2016, no reply has been filed by any of the parties. The above averment of the Petitioner that cognizance could not have been taken of the offence under Section 500 IPC on account of limitation under Section 468 Cr PC has remained uncontroverted.

6. In the circumstances, the Court quashes the aforementioned order dated 2nd March, 2016 passed by the S.D.J.M., Bolangir as well as 1. C.C. No.150 of 2015. The petition is accordingly allowed. A copy of this order be sent to the concerned Court below forthwith.

(Dr. S. Muralidhar)
Chief Justice

M. Panda