

IN THE HIGH COURT OF ORISSA AT CUTTACK

CRLMC No.1297 of 2012

Kailash Chandra Mohanty *Petitioner*
-versus-
Mohammed Asif Akbani *Opposite Party*

CORAM: JUSTICE S. PUJAHARI

ORDER

27.06.2022

Order
No.

06.

1. This matter is taken up through hybrid mode.
2. This application under Section 482 of Cr.P.C. has been filed by the Petitioner with a prayer to quash the entire proceeding in I.C.C. No.389 of 2008 pending in the file of the learned S.D.J.M., Balasore.
3. Heard the learned counsel for the Petitioner.
4. Learned counsel for the Petitioner submits that since no inquiry under Section 200 of Cr.P.C. was conducted inasmuch as S.A. of the Opposite Party-Complainant was recorded in the form of an affidavit, the prosecution is liable to be quashed.
5. Such submission is without any substance as initial statement can be given in the shape of an affidavit in a proceeding under Section 138 of N.I. Act, is well settled.

6. Therefore, the prayer made by the Petitioner in this petition is devoid of merit.

7. Accordingly, the CRLMC stands dismissed.

(S. Pujahari)
Judge

DA

