

IN THE HIGH COURT OF ORISSA AT CUTTACK

CRLMC No.3834 of 2012

Madhusudan Das.

....

Petitioner

-versus-

State of Odisha & another.

....

Opposite Parties

CORAM: JUSTICE S.PUJAHARI

ORDER

16.03.2022

Order No.

05.

1. This matter is taken up through Hybrid mode.
2. The petitioner in this application under Section 482 of the Code of Criminal Procedure (for short "Cr.P.C.") has prayed for quashing of the order of cognizance dated 20.10.2012 passed by the learned J.M.F.C., Soro in 1.C.C. Case No.138 of 2012 taking cognizance of the offences under Sections 451, 324, 307, 506(ii) and 379 of IPC.
3. Heard the learned counsel for the petitioner and the learned counsel for the State.
4. The grievance of the petitioner is that even though in F.I.R. filed by the opposite party no.2 he was not charge-sheeted, but subsequently on a protest petition filed by the

opposite party no.2 the Court having taken cognizance, the said order is illegal.

5. Needless to say that even if when F.I.R. filed by the Informant some persons are left or some offences are left out, the person making the information has a right to file a complaint by way of protest petition. The Court thereafter making enquiry if finds any materials, then to proceed against the left out accused persons or decide to proceed against them.

6. Therefore, the contention of the learned counsel for the petitioner that for the selfsame material FIR having already been filed wherein the petitioner was not challaned, a subsequent complaint against him is not maintainable, is without any substance. Hence, this CRLMC filed challenging the impugned order of cognizance being devoid of any merit stands dismissed. Interim order dated 07.01.2013 passed by this Court stands vacated.

7. A copy of this order be communicated to the Court below forthwith.

(S. Pujahari)
Judge

MRS