

IN THE HIGH COURT OF ORISSA AT CUTTACK

CRLMC No.3739 of 2016

Susanta Kumar Behera and others

....

Petitioners

Mr. P.K. Behera, Advocate

-versus-

State of Odisha and another

....

Opp. Parties

Mrs. S. Patnaik, AGA

Mr. M.K. Samantray, Advocate for OP No.2 Informant

CORAM:

JUSTICE CHITTARANJAN DASH

ORDER

21.10.2022

Order No.

07. 1. Learned counsel for the Petitioners and learned counsel for the Opposite Party No.2 are present.
2. By means of this application, the Petitioners seeks to quash the proceeding in connection with Patakura P.S. Case No.132 of 2015 corresponding to G.R. Case No.943 of 2015 pending on the files of the learned S.D.J.M., Kendrapara.
3. The Petitioners are allegedly involved in the offence under Sections 498-A/323/506/406 IPC read with Section 4 of the DP Act. It is submitted by the learned counsel for the Petitioners that prima facie the narration made in the F.I.R. is an exaggeration and concocted one and no such incident took place involving the Petitioners so as to proceed against them in the criminal proceeding. Learned counsel for the Petitioners also drew the attention of this Court to the injury report dated 16th July, 2015.
4. Learned counsel for the Opposite Party on the other hand opposed the contentions and submitted that the injury report in

question is of the date when the FIR has been filed and the alleged incident took place on 30th June 2015.

5. Having regard to the nature of offence alleged against the Petitioners and the materials available in the case record such as, the F.I.R., seizure list and injury report and the materials placed against the Petitioners involving them in the alleged offence the very contention of the learned counsel for the Petitioners as regards the implication of the Petitioners under Section 307 IPC vis-à-vis the injury report are matters to be taken in course of trial. This Court sitting over a matter under Section 482 Cr.P.C. is not in a position to see the nature and gravity of the offence or the evidence that may come during trial of the face of clear narration in the F.I.R. where the allegations are apparent involving the Petitioners, the Court is not inclined to interfere with the impugned proceeding.

6. In the result, the CRLMC is dismissed.

(Chittaranjan Dash)
Judge