

IN THE HIGH COURT OF ORISSA AT CUTTACK

CRLMC No.2855 of 2013

Manju Rout and another

....

Petitioners

Mr. H.N. Mohapatra, Advocate

-versus-

State of Orissa and another

....

Opposite Parties

Mr. Janmejaya Katikia, AGA

**CORAM:
THE CHIEF JUSTICE**

ORDER

22.04.2022

Order No.

05. 1. The Petitioners have challenged an order dated 16th May 2013, passed by the learned J.M.F.C., Nimapara in the District of Puri taking cognizance of the offence under Sections 294/465/506 of IPC against the Petitioners on the basis of the complaint filed by the Opposite Party No.2, i.e., ICC Case No.242 of 2011.
2. Despite service of notice and earlier a lawyer appearing on behalf of the Opposite Party No.2- Complainant, today none appears. It is also seen that despite notice having been issued way back on 25th November 2013, no reply has been filed.
3. Learned counsel appearing for the Petitioners points out that an earlier complaint bearing ICC Case No.285 of 2009, filed by the same complainant ended in a closure of report being submitted by the Police on 17th June, 2011. Without taking this fact into account, the J.M.F.C., by the impugned order, has taken cognizance.

4. Since these facts are not in dispute, the impugned order dated 16th May, 2013 is hereby set aside and the matter bearing ICC Case No.242 of 2011 is remitted to the Court of the J.M.F.C., Nimapara for considering afresh whether cognizance needs to be taken, particularly, in view of the closure report dated 17th June, 2011 in the earlier complaint bearing ICC Case No.285 of 2009.

5. A copy of this order be sent forthwith to the learned J.M.F.C., Nimapara. The matter will be listed there for directions on 16th May, 2022.

6. The CRLMC is disposed of in the above terms.

(Dr. S. Muralidhar)
Chief Justice



S.Behera