

IN THE HIGH COURT OF ORISSA AT CUTTACK

CRLMC No.1377 of 2022

Dillip Kumar Banerjee & another. Petitioners

-versus-

State of Odisha & another. Opposite Parties

CORAM: JUSTICE S.PUJAHARI

ORDER
27.07.2022

Order No.

- 03.
1. This matter is taken up through Hybrid mode.
 2. The petitioners in this application under Section 482 of the Code of Criminal Procedure (for short “Cr.P.C.”) have prayed for quashing of the criminal proceeding in C.T. Case No.367 of 2019, arising out of Phulbani Town P.S. Case No.128 of 2019 pending on the file of the learned S.D.J.M., Phulbani for alleged commission of offences under Sections 341, 294, 323 and 506/34 of IPC.
 3. Heard the learned counsel for the petitioners and the learned counsel for the State.
 4. As it appears, the present petitioner no.1 is an Advocate of Phulbani Bar Association and the petitioner no.2 is his wife

and both have been indicted in the aforesaid case which was ended in Final Form. So also, the petitioner no.2 filed a case vide Phulbani Town P.S. Case No.129 of 2019 against the Informant-party wherein cognizance has also been taken. But, in the meanwhile the Informant in this case has already died who is accused in Phulbani Town P.S. Case No.129 of 2019, the said case against him stated to have abated. Since the Informant, who is the victim in this case, alleged to have died and in spite of notice no one appears on his behalf to oppose the prayer, notwithstanding the prima-facie allegation is available but offence is trivial in nature, this Court is of the view that the continuance of the proceeding against the petitioners shall be an abuse of the process of the Court as no useful purpose is going to be served. Therefore, the criminal trial against the petitioner is liable to be quashed.

5. I would, therefore, allow this Criminal Misc. Case application and quash the proceeding against the petitioners vide C.T. Case No.367 of 2019. The trial court shall do well to comply with this order on production of the certified copy of this order.

7. Urgent certified copy of this order be granted on proper application.

(S. Pujahari)
Judge

MRS