

IN THE HIGH COURT OF ORISSA AT CUTTACK

CRLMC No.1534 of 2022

Sk. Nazrul and Another

....

Petitioners

Mr. P. P. K. Pandit, Advocate

-Versus-

State of Odisha and Another

....

Opposite Parties

Mr. S.S. Mohapatra, ASC

Ms. Bini Mishra, Advocate for O.P. No.2

CORAM:

MR. JUSTICE R.K. PATTANAİK

ORDER

21.10.2022

Order  
No.  
05.

1. Heard learned counsel for the petitioners, learned counsel for the State besides learned counsel for the opposite party No.2.
2. Instant petition under Section 482 Cr.P.C. is filed by the petitioners for quashing of the criminal proceeding in C.T. Case No.111 of 2021 corresponding to Kamarda P.S. Case No.113 of 2021 pending in the file of learned Nyayadhikari Gramya Nyayalay, Bhograi on the grounds stated therein.
3. A copy of the FIR which is at Annexure-1 is perused by the Court. In fact, on a report being lodged by the informant, Kamarda P.S. Case No.113 of 2021 was registered under Section 363 read with 34 IPC.
4. Learned counsel for the petitioners submits that there is no material on record to implicate the petitioners being the parents of the principal accused, who alleged to have kidnapped the minor victim and therefore, the criminal proceeding as against them should be quashed in the interest of justice. While claiming so, learned

counsel for the petitioners refers to the statement of victim recorded under Section 161 Cr.P.C.

5. Mr. Mohapatra, learned ASC on the other hand strongly objects on the ground that the investigation is still on and in so far as the involvement of the petitioners is concerned, according to him, they arranged a vehicle used in the kidnapping of the victim and assisted their son in that regard which is revealed from the statement of the victim's mother recorded under Section 161 Cr.P.C. Strong objection is also received from Ms. Mishra, learned counsel appearing for on behalf of the informant, namely, opposite party No.2.

6. Considering the fact that investigation is in progress and chargesheet is not yet filed, the Court is of the view that it would not be justified to hold non-involvement of the petitioners. In other words, it would be too premature to arrive at conclusion vis-à-vis the nature of involvement of the petitioners with regard to the alleged kidnapping of the minor victim, who was aged about 15 years at the relevant point of time.

7. Having regard to the submission of Mr. Mohapatra, learned ASC for the State to the effect that there is material against the petitioners so revealed from the statement of the victim's mother recorded under Section 161 Cr.P.C. and the fact that the investigation is underway, the Court is of the view that it would not be proper and justified to quash the proceeding on any such ground as has been raised by Mr. Jena, learned counsel appearing for them. It is made clear that the petitioners shall have the liberty to challenge the chargesheet if filed at the end of investigation.

8. Accordingly, it is ordered.
9. With the above observation, CRLMC stands disposed of.
10. An urgent certified copy of this order be granted as per rules.

(R.K. Pattanaik)  
Judge

TUDU

