

IN THE HIGH COURT OF ORISSA AT CUTTACK

CRLMC No.3435 of 2011

Sk. Abdul Rouf.

....

Petitioner

-versus-

State of Odisha & another.

....

Opposite Parties

CORAM: JUSTICE S.PUJAHARI

ORDER

14.03.2022

Order No.

06.

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 09.12.2010 passed by the learned J.M.F.C., Jajpur Road in G.R. Case No.917 of 2009 taking cognizance of the offence under Section 498-A of IPC on the ground of lack of territorial jurisdiction.
3. However, the learned counsel appearing for the petitioner submits to quash the impugned order of cognizance as well as the entire criminal prosecution launched against the petitioner as the petitioner and the opposite party no.2 are living as husband and wife now and she has already filed an affidavit

indicating therein that she does not want to proceed with the present litigation.

4. Since no one appears on behalf of the opposite party no.2-wife in this case, this Court is not inclined to accept the aforesaid submission of the learned counsel for the petitioner. Hence, this CRLMC filed challenging the impugned order being devoid of any merit stands dismissed. Interim order dated 15.12.2011 passed by this Court stands vacated.

5. However, liberty is given to the petitioner to file a joint petition before the Court for quashment of the aforesaid proceeding, if pending on the aforesaid ground.

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

(S. Pujahari)
Judge

MRS