

IN THE HIGH COURT OF ORISSA AT CUTTACK

CRLMC No.1864 of 2022

Bhagabat Mahalik & another ***Petitioners***

-versus-

State of Odisha & another ***Opposite Parties***

**CORAM:
THE JUSTICE S.PUJAHARI**

**ORDER
12.08.2022**

**Order
No.**

01. 1. This matter is taken up through Hybrid mode.
2. This application under Section 482 Cr.P.C. has been filed by the Petitioners for quashment of the order dated 04.05.2022 passed by the learned J.M.F.C., Soro in 1.C.C. Case No.27 of 2022 wherein the learned J.M.F.C. has taken cognizance under Sections 323, 341, 354, 506/34 of IPC against them.
3. Heard the learned counsel for the petitioners and the learned counsel for the State.
4. As it appears in the aforesaid case cognizance for the offence under Sections 323, 341, 354, 506/34 of IPC has been taken and the process has been issued against the Petitioners. The Petitioners have challenged the same on the ground that the parties having been in litigating terms since long, the aforesaid case has been initiated against the Petitioners by the Informant party in order to harass them. Therefore, the impugned order should be quashed.

5. Learned counsel for the State, however, opposes the aforesaid prayer with the submission that the aforesaid hardly be a ground to quash the proceeding.

6. It is well settled that enmity is a double edged weapon. The same provides motive to commit the crime so also for false implication. Whether the case in question was lodged against the Petitioners on a concocted allegation or not, the same can only be ascertained during the trial taking note of the evidence adduced. Therefore, when a prima facie case is emerged from the materials collected during the investigation by the Police against the Petitioners and the court relying on the same has proceeded against them, this Court at this stage is unable to accept the submission of the learned counsel for the Petitioners to quash the impugned order of cognizance as well as the proceeding on the ground stated.

7. Accordingly, this Criminal Misc. Case being devoid of merit stands dismissed.

(S. Pujahari)
Judge