

IN THE HIGH COURT OF ORISSA AT CUTTACK

CRLMC No.2102 of 2022

Batua @ Sukanta Kumar Patra

Petitioner

Mr. M. Sinha, Senior Advocate

-Versus-

State of Odisha

.... Opposite Party

Mr. S.S. Mohapatra, ASC

Mr. S.K. Mohanty, Advocate for victim

CORAM:

MR. JUSTICE R.K. PATTANAIK

ORDER

02.11.2022

Order
No.
04.

1. Heard Mr. Sinha, learned Senior Advocate appearing for the petitioner and Mr. Mohapatra, learned ASC for the State.

2. Instant petition under Section 482 Cr.P.C. is filed for quashing of the FIR and criminal proceeding in connection with G.R. Case No.963 of 2000 corresponding to FIR No.45(12) dated 27th March, 2000 pending in the file of learned J.M.F.C.(O), Bhubaneswar on the grounds stated therein.

3. Mr. Sinha, learned Senior Advocate submits that the incident is of the year 2000 and on the report being lodged by the informant, Baliana P.S. Case No.45(12) was registered under Sections 363 and 366(A) IPC. It is further submitted that in the year 2001, chargesheet was filed under the alleged offences and thereafter, summons issued to the petitioner and other accused. According to Mr. Sinha, learned Senior Advocate for the petitioner, there has been no progress with regard to the case pending before the learned J.M.F.C.(O) Bhubaneswar since the time of taking cognizance of the offences by order dated 15th January, 2001 and that apart, the case record is not available at present which was

transmit to this Court and yet not returned to the court of learned J.M.F.C.(O), Bhubaneswar.

4. In view of such submission of Mr. Sinha, learned Senior Advocate, a report was called for from the learned court below which has been received at Flag-1. The same is perused. In fact, there has been considerable delay in a disposal of the case as the learned court below awaited receipt of the original record sent to this Court in CRLMC No.2057 of 2000.

5. In the meantime, father of the victim as well as victim herself filed affidavits before this Court and expressed their disinclination to pursue the case. According to the victim's affidavit, it is stated that she did not allege anything adverse against the petitioner in her statement recorded under Section 161 Cr.P.C., a copy of the said affidavit at Flag-A for the Court's perusal. Today, the victim's father filed affidavit stating the incident was reported by him but in the meantime, his daughter has married to one Dinabandhu Acharya in 2001 and offers no objection in the event, the proceeding pending before the court below is quashed.

6. Having regard to the above facts and inordinate delay in the disposal of the case which is pending since 2000 and having regard to the affidavits filed by the victim and her father which has been produced today, the Court is of the opinion that the proceeding which is lying in the file of the court of learned J.M.F.C.(O), Bhubaneswar in G.R. Case No.963 of 2000 should be quashed in the interest of justice.

7. Accordingly, it is ordered.

8. In the result, CRLMC stands allowed. Consequently, the criminal proceeding in G.R. Case No.963 of 2000 arising out of

Baliana P.S. Case No.45(12) dated 27th March, 2000 pending in the file of learned J.M.F.C.(O), Bhubaneswar is hereby quashed.

9. Urgent certified copy of this order be granted as per rules.

(R.K. Pattanaik)
Judge

TUDU

