

IN THE HIGH COURT OF ORISSA AT CUTTACK

CRLMC No.2601 of 2019

Bijaya Kumar Jena and others* *Petitioners
versus-
State of Orissa and another* *Opposite Parties

CORAM: JUSTICE S. PUJAHARI

Order
No.

ORDER
28.03.2022

04. 1. This matter is taken up through hybrid mode.
2. This application under Section 482 of Cr.P.C. has been filed by the Petitioners with a prayer to quash the order of cognizance dated 25th March, 2008 passed by the learned J.M.F.C., Bhubaneswar in G.R. Case No.3227 of 2007.
3. Heard.
4. It appears that prima facie materials are there against the Petitioners to proceed against them.
5. The ground taken by the Petitioners is that false allegation has been made against them by the Opposite Party No.2-Complainant, who is a schizophrenic person. Court at the stage of taking cognizance, is only to see whether the materials on record discloses the commission of any offence and the material so produced is incriminating to the person accused, the court has to take cognizance and proceed against the person-accused unless any statutory bar is there, in oblivious to which

the court has taken cognizance and proceeded against the accused. There is no scope to look into the truth and veracity of such allegation at that stage. It is also not the case of the Petitioners that in spite of statutory bar, they have been proceeded with in this case.

6. Accordingly, the petition filed for quashment of the order of cognizance on the ground stated which is defence version, is devoid of merit, as such, the same stands dismissed.

(S. Pujahari)
Judge

DA

