

IN THE HIGH COURT OF ORISSA AT CUTTACK

CRLMC No.466 of 2016

Champa Mishra @ Manjulata Mishra .. Petitioners
and others

Mr.P.K.Rath, Advocate

-versus-

Animarani Mishra and others . Opp.Parties
Ms.S.Pattnaik,AGA

CORAM:
JUSTICE CHITTARANJAN DASH

ORDER

16.09.2022

Order No.

06.

1. Heard the learned counsel for the Petitioner. It is submitted that notice against the Opp.Party Nos. 1 and 2 being sufficient are on record. As against the Opp.Party No.3, notice has been served. However, keeping in view the fact that the Opp.Party No.3 is the proforma- Opp.Party, the presence of Opp.party No.3 need not be insisted upon and it be dispensed with. The same is accordingly allowed.

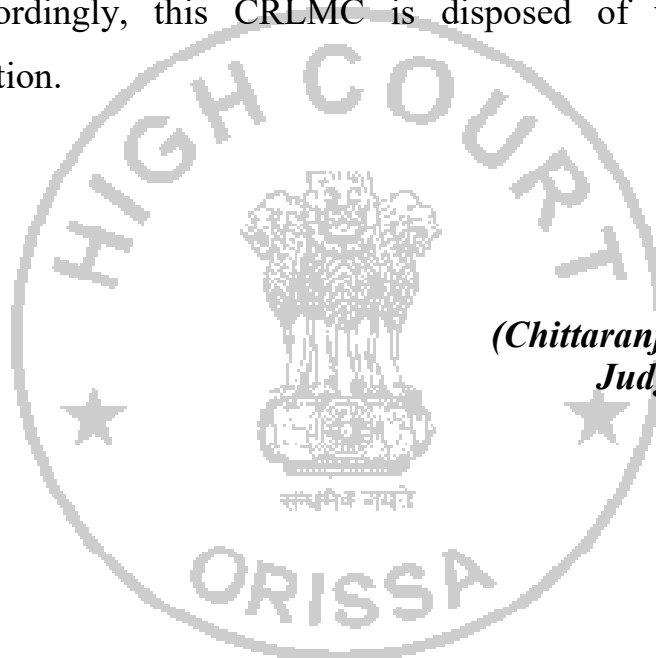
2. It is submitted by the learned counsel for the Petitioners that while the matter under challenge in this petition is for quashing of the entire criminal proceeding vide Misc.Case No.29 of 2015 pending before the learned S.D.J.M.,Jajpur, he drew the attention of this Court to Section 14 of the Dowry Prohibition Act which mandates for conciliation in presence of the parties.

3. On perusal of the impugned order it reveals that the conciliation proceeding could not be effectively taken up in absence of the Petitioner or the Opp.party either way. In such eventuality, it is fairly submitted by Mr Rath, the learned counsel for the Petitioners

that provision enumerated under section 14 of the D.V. Act which mandates for reconciliation to be given effect to before the complete process is undertaken by the court. It is, therefore, desirable that the parties may be directed to submit to the said conciliation proceeding in accordance with law.

4. In view of the above, while this court is not inclined to interfere in the merit of the proceeding, directs the learned trial court to issue notice to the parties submitting before it for an effective conciliation in accordance with the provisions of the D.V.Act.

5. Accordingly, this CRLMC is disposed of with the above observation.



(Chittaranjan Dash)
Judge

B.C.Mohanty