

IN THE HIGH COURT OF ORISSA AT CUTTACK

CRLMC No. 4715 of 2015

Piro @ Pero Mahanandia@Ghasi **Petitioner**
Mr. Biswajit Nayak, Advocate

-Versus-

Sulochana Mahanandia **Opposite Party**
Mr. D.K. Panda, Advocate for O.P.

CORAM:
MR. JUSTICE R.K. PATTANAİK

ORDER
17.08.2022

Order No.

- 04.
1. Heard Mr. Biswajit Nayak, learned counsel for the petitioner and Mr. D.K. Panda, learned counsel for the opposite party.
 2. The instant petition under Section 482 Cr.P.C. has been filed at the behest of the petitioner for quashing of the proceeding in C.M.C. No.381 of 2015 filed under Section 12 of the Protection of Women from Domestic Violence Act, 2005 (in short 'the DV Act') pending in the file of learned S.D.J.M., Jharsuguda on the ground stated therein.
 3. Learned counsel for the petitioner submits that the opposite party claimed before the Protection Officer, Jharsuguda that she had married the petitioner almost 30 years ago but as such, considering the facts on record, the proceeding before the court below is not maintainable since the essential ingredients of Sections 2(a) and 2(e)

of DV Act are not fulfilled. But, according to the Court, whether, the parties are or had been in domestic relationship at any point of time and if the essential requirements under the D.V. Act are satisfied or not can well be examined by the learned court below and therefore, it is not a fit case to interfere with the proceeding at its initial stage.

4. At this juncture, learned counsel for the petitioner submits in the event the Court is not inclined to interfere in the matter in exercise of power under Section 482 Cr.P.C. for quashing of the proceeding, liberty may be granted to the petitioner to raise all the grounds in the proceeding under Section 12 of the D.V. Act.

5. In the result, the CRLMC application is dismissed. However, the petitioner is granted the liberty to raise all such grounds before the learned S.D.J.M., Jharsuguda in the proceeding in CMC No.381 of 2015, which on being so moved, shall be considered on its own merits and in accordance with law.

(R.K. Pattanaik)
Judge

U.K.Sahoo