

IN THE HIGH COURT OF ORISSA AT CUTTACK

CRLMC No.3121 of 2018

***Bishnupriya @ Vishnupriya Sahu Petitioners
and others.***

-versus-

State of Odisha. Opposite Party

CORAM: JUSTICE S.PUJAHARI

**ORDER
25.04.2022**

Order No.

04. 1. This matter is taken up through Hybrid mode.
2. The petitioners in this application under Section 482 of the Code of Criminal Procedure (for short “Cr.P.C.”) have prayed for quashing of the order dated 02.08.2017 passed by the learned J.M.F.C., G. Udayagiri in G.R. Case No.343 of 2016 taking cognizance of the offences under Sections 498-A, 313/34 of IPC and Section 4 of the D.P. Act against them.
3. Heard the learned counsel for the petitioners and the learned counsel for the State.
4. As it appears from the materials available on record, the allegation of dowry torture was made by the Informant-wife against her husband and other in-law members, but the same was

compromised in the Police Station. Thereafter, as the matter did not subside, the Informant-wife again came with an allegation that her husband and mother-in-law have tortured her and also did not give her necessary food and also caused miscarriage her pregnancy by giving medicine.

5. Since the first cause of action has already been subsided, but on the basis of the second allegation, wherein the name of the petitioner nos.2 and 3, who are the in-law members, do not find place, this Court is of the view that the trial court could not have taken cognizance against the petitioner nos.2 and 3 in a mechanical manner.

6. I would, therefore, allow this Criminal Misc. Case application in part and quash the impugned order of cognizance qua the petitioner nos.2 and 3, namely, Tilli Sahu @ Ranjita Sahu and Bijaya Laxmi Sahu @ Lili. Consequently, the prosecution launched against the petitioner nos.2 and 3 stands quashed. The trial court shall do well to comply with this order on production of the certified copy of this order. It is made clear that during the evidence if any material comes to record showing their implication in the aforesaid case, there is no impediment to add them as accused persons.

7. Urgent certified copy of this order be granted on proper application.

(S. Pujahari)
Judge

MRS