

IN THE HIGH COURT OF ORISSA AT CUTTACK
CRLMC No.1658 of 2021

Anurag Mohanty & Anr. **Petitioners**

Mr. Amit Prasad Bose, Adv.

-versus-

State of Orissa & Ors. **Opposite Parties**

Mr. Sibani Shankar Pradhan, AGA
(for O.P. No.1)

CORAM:

MR. JUSTICE S.K. PANIGRAHI

ORDER

03.02.2022

Order No.

02. 1. This matter is taken up through Video Conferencing mode.
2. Heard learned counsel for the parties.
3. In this CRLMC, the petitioners have made a prayer to quash the Domestic Violence Proceeding initiated against them vide D.V. Misc. Case No.297 of 2021 pending in the court of the learned S.D.J.M., Bhadrak.
4. In this case, the opposite party nos.2 and 3 have filed an application under Section 12 read with Section 23 of the Protection of Women from Domestic Violence Act, 2005 (hereinafter referred to as “the D.V. Act” for brevity) claiming certain reliefs in the court of the learned S.D.J.M., Bhadrak which is registered as D.V. Misc. Case No.297 of 2021 against the petitioners and two others. It appears that the present petitioners happen to be the brother-in-law and sister-in-law respectively of the opposite party no.2.
5. Learned counsel for the petitioners raises question on the maintainability of the aforesaid Domestic Violence Proceeding in view of Section 2(a) read with Section 2(f) of the D.V. Act

stating that there is no domestic relationship between the petitioners and the opposite party nos.2 and 3. Hence, the aforesaid Domestic Violence Proceeding is not maintainable.

6. Upon hearing the learned counsel for the petitioner and upon perusal of materials on record, this Court is of the opinion that the issues and contentions raised by the petitioners in this CRLMC may be raised before the appropriate court including the maintainability of the aforesaid proceeding and the appropriate court shall consider the same as per law.

7. In that view of the matter, the petitioners are at liberty to approach the learned S.D.J.M., Bhadrak in the aforesaid case within a period of fifteen days from today and raise all the issues and contentions raised in this CRLMC.

8. Accordingly, this CRLMC is disposed of.

9. As the restrictions due to resurgence of Covid-19 are continuing, learned counsel for the parties may utilize a printout of the order available in the High Court's website, at par with certified copy, subject to attestation by the Advocate concerned with his/her seal, in the manner prescribed vide Court's Notice No.4587 dated 25th March, 2020 and Court's Office Order dated 7th January, 2022.

(S.K. Panigrahi)
Judge

BJ