

IN THE HIGH COURT OF ORISSA AT CUTTACK
CRLMC No.1663 of 2021

Rabindra Kumar Mohanty & Anr. Petitioners

Mr. Abhishek Dash, Adv.

-versus-

State of Odisha

.... Opposite Party

Mr. Sibani Shankar Pradhan, AGA

CORAM:

MR. JUSTICE S.K. PANIGRAHI

ORDER

03.02.2022

Order No.

01. 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 order dated 05.06.2021 passed by the learned S.D.J.M., Berhampur in G.R. Case No.385 of 2021, arising out of Mahila P.S. Case No.29 of 2021, taking cognizance of the offences under Sections 498A/ 294/ 323/354A/ 506/ 34 of the I.P.C. read with Section 4 of the D.P. Act.
4. Learned counsel for the petitioners submits that the only allegation against petitioner no.1, the father-in-law of the complainant, is that he used to scold in filthy language and spit on her face and the allegation against the petitioner no.2, the elder brother-in-law of the complainant, is that he was abusing in obscene language and assaulting her.
5. Since the allegations made for commission of offences under Section 498A/ 294/ 323/ 354A./ 506/ 34 of the I.P.C. read with Section 4 of the D.P. Act are serious, a thorough trial is

required, and quashing of order taking cognizance, at this stage, will amount to travesty of justice.

6. The petitioners are, however, given liberty to raise all the contentions raised in the present CRLMC before the trial court at the time of framing of charge and seek discharging. On such event, the trial court after hearing the petitioners shall pass order in accordance with law.

7. Accordingly, this CRLMC is disposed of.

8. 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