

IN THE HIGH COURT OF ORISSA AT CUTTACK

CRLMC No.2667 of 2022

Krushna Chandra Dalei and Others

Petitioners

Mr. P.K. Sahoo, Advocate

-Versus-

State of Odisha and Another

.... Opposite Parties

Mr. R.K. Tripathy, ASC

Mr. P.K. Sahoo, Advocate for O.P.No.2

CORAM:

MR. JUSTICE R.K. PATTANAİK

ORDER

02.11.2022

Order
No.
02.

1. Heard learned counsel for the petitioners, learned counsel for the State and learned counsel for opposite party No.2.

2. Instant petition under Section 482 Cr.P.C is filed by the petitioners for quashing of the criminal proceeding in G.R. Case No.112 of 2018 arising out of Dhamnagar P.S. Case No.58 of 2018 pending in the file of learned J.M.F.C., Dhamnagar on the grounds stated therein.

3. Learned counsel for the petitioners submits that the accused husband has been acquitted of all the charges by a judgment dated 25th February, 2022 in S.T. Case No.159 of 2018 by the learned Additional District and Sessions Judge, Bhadrak and it was based on hostile evidence and therefore, the petitioners who are the in-laws of the deceased should not be subjected to a full-fledged trial and there is also no possibility of conviction. In other words, learned counsel for the petitioners submits that in view of the nature of evidence received in S.T. Case No.159 of 2018 vis-à-vis accused husband, as there is a bleak chance of conviction of the petitioners, therefore, criminal proceeding pending before the learned J.M.F.C.,

Dhamnagar as against them should be quashed in the interest of justice.

4. Learned counsel for opposite party No.2 does not submit any objection.

5. Mr. Tripathy, learned counsel for the State submits that since because the offences are non-compoundable in nature, the proceeding should not be quashed which is pending before the learned court below arising out of Dhamnagar P.S. Case No.58 of 2018.

6. A copy of the judgment which is at Annexure-4 is perused by the Court. In fact, as per the said judgment, the learned Sessions court finding no evidence from the prosecution side, inasmuch as, the informant and others did not support its case rather turned hostile, acquitted the accused husband of the charges. The petitioners are in-law of the deceased. If such is the nature of evidence from the prosecution in S.T. Case No.159 of 2018, the Court is of the view that there is a remote chance of conviction vis-à-vis the petitioners, who happen to be the in-laws of the victim.

7. Considering the above facts and submissions of learned counsel for the respective parties and having regard to the fact that the principal accused, namely, husband of the deceased has been acquitted of the charges by a trial in S.T. Case No.159 of 2018 which is based on hostile evidence, the Court finds no reason or any purpose to be served to subject the petitioners to trial rather is of the view that the criminal proceeding as against the petitioners should be quashed in the interest of justice.

8. Accordingly, it is ordered.

9. In the result, CRLMC stands allowed. Consequently, the criminal proceeding in connection with G.R. Case No.112 of 2018

arising out of Dhamnagar P.S. Case No.58 of 2018 pending in the file of learned J.M.F.C., Dhamnagar is hereby quashed.

10. An urgent certified copy of this order be granted as per rules.

(R.K. Pattanaik)
Judge

TUDU

