

IN THE HIGH COURT OF ORISSA AT CUTTACK

CRLMC No.3337 of 2019

Priti Sundar Pradhan & Others

Petitioners

Mr. Amitav Tripathy, Advocate

-Versus-

State of Odisha & Another

.... Opposite Party

Mr. Tapas Ku.Praharaj, SC

CORAM:

MR. JUSTICE R.K. PATTANAİK

ORDER
18.11.2022

Order
No.

- 01.
1. Heard learned counsel for the petitioners and learned counsel for the State.
 2. Instant petition under Section 482 Cr.P.C. is filed by the petitioners for quashing of the criminal proceeding in connection with G.R. Case No.102 of 2018 corresponding to Hinjili P.S. Case No. 119 of 2018 pending in the file of learned JMFC, Hinjilicut on the grounds stated therein.
 3. Copy of the F.I.R. is at Annexure-1 and the same is perused by the Court. In fact, on the lodging of the report by opposite party No.2, Hinjili P.S. Case No. 119 dated 1st June, 2018 was registered under Section 498-A IPC and other allied offences.
 4. It is informed to the Court that in the meantime, the investigation was concluded and chargesheet stood filed under the alleged offences and the learned court below has taken cognizance of the said offences as a result.

5. Mr. Tripathy, learned counsel for the petitioners submits that petitioner No.1 is the husband and petitioner Nos. 2 & 3 are the parents in-law of opposite party No.2 and in so far as the allegations under Anneuxre-1 are concerned, they are unacceptable being contradictory to other materials on record. It is further submitted that opposite party No.2 deposed in a proceeding under Section 125 Cr.P.C. to the effect that she filed a false case against the petitioners, in particular, petitioner No.1 in order to damage his image and considering the same, the criminal proceeding initiated at her behest should be quashed.

6. Mr. Praharaj, learned counsel for the State objects to the contention of Mr. Tripathy, learned counsel for the petitioners against quashing of the criminal proceeding pending before the learned court below on such a ground.

7. The Court considered the contents of Annexure-1 and has gone through the chargesheet and statements of witnesses recorded under Section 161 Cr.P.C. which are at Anneuxre-2 series.

8. Considering the materials on record, the Court does not find any reason or bare minimum ground to quash the criminal proceeding pending before the learned court below. It is of the view that if there is any contradiction in the statements of opposite party No.2 and her claim with regard to ill-treatment in the hands of the petitioners, the same shall be examined by the learned court below during enquiry and trial. In other words, it is not a fit case where this Court in exercise of inherent jurisdiction should quash the criminal proceeding pending before the learned court of JMFC, Hinjilicut and that apart, a suggestion which was put to opposite party No.2 was rightly or wrongly admitted in a proceeding under Section 125 Cr.P.C. which cannot be ground either for the said purpose. In any view of the matter, the Court does not find any such reason to interfere with the proceeding pending in the file of court below.

9. Accordingly, it is ordered.

10. In the result, the CRLMC stands dismissed, however, the petitioners are granted liberty to raise all such grounds as available to them under law for seeking discharge at the time of framing of charge before the court of learned JMFC, Hinjilicut in connection with G.R. Case No. 102 of 2018 corresponding to Hinjili P.S. Case No. 119 of 2018 and in the event any such application so moved, the court below shall consider the same and pass appropriate order thereon as per and in accordance with law.

11. Urgent certified copy of this order be issued as per rules.

