

IN THE HIGH COURT OF ORISSA AT CUTTACK

CRLMC No.3302 of 2022

Altat Hosen and Others

....
Mr. J.N. Panda, Advocate

Petitioners

-Versus-

State of Odisha and Another

....
Mr. T.K. Praharaj, SC

Opposite Parties

CORAM:
MR. JUSTICE R.K. PATTANAİK

ORDER
05.12.2022

Order
No.
01.

1. Heard learned counsel for the petitioners and learned counsel for the State.
2. The prayer in the present case is for quashing of the criminal proceeding in connection with Jaipatna P.S. Case No.98 of 2011 corresponding to C.T. Case No.189 of 2011 pending in the file of learned J.M.F.C., Jaipatna on the grounds stated therein.
3. A copy of the FIR is at Annexure-1.
4. The order-sheets of the learned court below in C.T. Case No.189 of 2011 are at Annexue-2 for the Court's perusal.
5. Learned counsel for the petitioners submits that petitioner No.1 and opposite party No.2 have dissolved their marriage under Anenxure-3 in MAT No,83 of 2012 and thereafter, there has been no progress at all in so far as the criminal proceeding pending before the learned court below is concerned. Referring to the order-sheets at Anenxure-2, it is further submitted by the learned counsel for the petitioners that since 2014, the year when charge was framed, not a

single witness has been examined so far and in the meantime, almost eight years have gone back and under the above circumstances, since opposite party No.2 is not turning up and responding to the summons of the court and there is no prospect of her appearance before the learned court below, therefore, the proceeding should be quashed in exercise of inherent jurisdiction. Mr. Mohapatra, learned counsel for the State on the other hand submits that in absence of opposite party No.2, it would not be justified to close the criminal proceeding, rather, the matter pending before the learned court below should be set with a target for its completion which would serve the purpose. Having regard to the above facts and absence of opposite party No.2 and considering the pendency of the proceeding before the learned court below ever since 2014, the Court is of the view that as a last chance, a target should be set for disposal of the case.

6. Accordingly, it is ordered.

7. In the result, CRLMC stands disposed with a direction to the learned J.M.F.C., Jaipatna to expedite the commencement of trial and close the proceeding in C.T. Case No.189 of 2011 preferably within a period of four months from the date of receipt of copy of the order with a liberty granted to the petitioners to renew the prayer for quashing of the criminal proceeding corresponding to C.T. Case No.189 of 2011, in the event the trial is not concluded within the stipulated time.

8. Urgent certified copy of this order be granted as per rules.

(R.K. Pattanaik)
Judge