

IN THE HIGH COURT OF ORISSA AT CUTTACK
CRLMC No.2381 of 2021

Debapriya Mohanty & others ***Petitioners***
Mr. B.K.Parida, Adv.

-versus-

State of Odisha & Anr. ***Opposite Parties***
Mr. K.Gaya,ASC

CORAM:
MR. JUSTICE S.K. PANIGRAHI

ORDER
28.01.2022

Order No.

01. 1. This matter is taken up by virtual mode.
2. Heard learned counsel for the parties.
3. The petitioners have filed this application challenging the order of cognizance dated 19.12.2019 for the offence under Sections 498-A/294/506/34 of the Indian Penal Code in connection with G.R. Case No.2953 of 2019 pending in the court of learned S.D.J.M., Samabalpur.
4. As per the of the F.I.R. story it reveals that the petitioner No.1 had married the daughter of the informant. After solemnization of marriage the petitioner No.1 tortured his daughter physically and mentally. Even the petitioner No.1 along with his family members threatened to kill the informant and his family member in life which resulted in lodging of the F.I.R. by the informant-father against the present petitioner No.1 son-in-law and his family members.

5. Learned counsel for the petitioners submits that the allegations as made in the F.I.R. should have been made by the victim-wife against the petitioner No.1 and his family members, but not by the father of the victim. Hence, the cognizance taken by the learned Magistrate is quite illegal and improper in the eye of law. Hence, it should be quashed.

6. Per contra, learned counsel for the State submits that the complaint/FIR can be filed by any person. Here the F.I.R. has been filed by the father on behalf of his victim-daughter. So the learned Magistrate has rightly passed the cognizance order which should not be quashed.

7. Considering the aforesaid submissions and facts of the case, the grounds taken by the petitioners are not sustainable in the eye of law. As such, this Court is not inclined to quash the order of cognizance dated 19.12.2019 under Sections 298-A/294/506/34 of the Indian Penal Code.

8. The CRLMC is accordingly, disposed of being dismissed.

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 Office Order dated 7th January, 2022.

(S.K. Panigrahi)
Judge