

IN THE HIGH COURT OF ORISSA AT CUTTACK

CRLMC No. 2390 of 2021

B. Narasimlu and others ***Petitioners***

Mr. J. Samantaray, Advocate

-versus-

State of Odisha and another ***Opposite Parties***

Mr. P. Mohapatra, ASC

CORAM: JUSTICE V. NARASINGH

ORDER
09.05.2022

Order No.

06.

1. This matter is taken up through hybrid mode.
2. Heard learned counsel for the petitioner, learned counsel for the State and learned counsel for the informant Opposite Party No.2.
3. Perused the affidavit filed by the informant. Para 3 and 4 thereof are extracted hereunder for convenience of ready referenced which has a bearing on the point at issue.

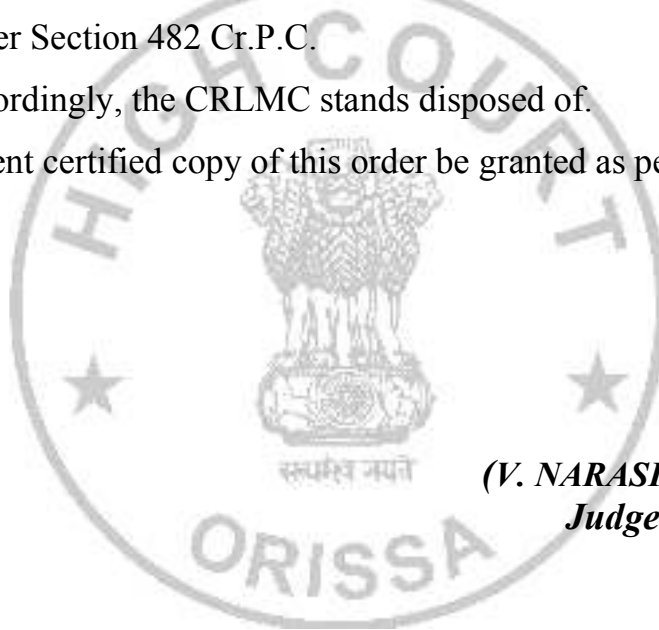
x x x x x “3. That due to mis-understanding I had reported before the IIC, Gopalpur Police Station against the accused persons namely 1) B. Narsumalu, S/o. G.Sanyasi 2) Sasibhusan Mohanty S/o. Krushna Balhaba Mohanty and 3) G. Anil S/o. G. Sanyasi all are of Gopalpur, Po/PS-Gopalpur-on-sea, Dist-Ganjam, Odisha as they are not present at the time of occurrence.

4. That I do not want to proceed with the above case against the above accused persons.” x x x x x

4. On considering the submissions of learned counsel for the parties and on perusal of the affidavit on record and in view of the principle laid down by the Apex Court in the case of ***Parbatbhai Aahir alias Parbatbhai Bhimsinhbhai Karmur and others v. State of Gujarat and another*** reported in ***AIR 2017 SC 4843***, the proceeding in connection with G.R. Case No.1282 of 2013, on the file of learned S.D.J.M. Berhampur, arising out of Gopalpur Police Case No.141 of 2013, stands quashed in respect of the present petitioners in exercise of power under Section 482 Cr.P.C.

5. Accordingly, the CRLMC stands disposed of.

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



(V. NARASINGH)
Judge

Santoshi