



present Petitioners along with their parents wrongfully restrained her and her family members, abused them in filthy language, attempted to outrage her modesty and removed certain gold ornaments. Pursuant thereto, the I.I.C., Pattamundai P.S., registered Pattamundai P.S. Case No.459 of 2015.

6. Learned counsel for the Petitioners submits that there exists a case and counter-case between the parties arising out of the same incident. In the counter F.I.R., lodged by the mother of the Petitioners against the present informant, it has been alleged, *inter alia*, that on the self-same date, the informant along with her family members abused the Petitioners' family members in filthy language and forcibly took away cash and gold ornaments. In connection therewith, Pattamundai P.S. Case No.395 of 2015 was registered, which corresponds to G.R. Case No.395 of 2015 and was pending before the learned J.M.F.C., Pattamundai.

7. It is further submitted that while the Investigating Officer has submitted charge sheet in Pattamundai P.S. Case No.395 of 2015, no final form/charge sheet has been submitted till date in the present case i.e., Pattamundai P.S. Case No.459 of 2015, despite lapse of a considerable period of time.

8. Learned counsel for the Petitioners further contends that in the meantime, the learned trial Court, i.e., J.M.F.C., Pattamundai, vide judgment dated 24.03.2023 passed in G.R. Case No.395 of 2015 arising out of Pattamundai P.S. Case No.395 of 2015, has acquitted the accused persons (who are the informant/parties in the present case).



A certified copy of the said judgment has been produced and is taken on record.

9. This Court, upon hearing learned counsel for the respective parties and on perusal of the materials available on record, finds that the present case and the counter-case arise out of the same transaction and are intrinsically connected. It further appears that despite lapse of more than a decade, the Investigating Agency has failed to submit charge sheet in the present case.

10. It is also pertinent to note that in the counter-case, the learned trial Court, after full-fledged trial, has acquitted the accused persons by judgment dated 24.03.2023, thereby disbelieving the prosecution version arising out of the same set of facts and circumstances.

11. In such view of the matter, allowing the present proceeding to continue would amount to abuse of the process of the Court and would not serve the ends of justice. The possibility of conviction in the present case appears remote and bleak, particularly in view of the findings recorded in the counter-case.

12. This Court is, therefore, of the considered view that continuation of the present criminal proceeding would be a futile exercise.

13. Accordingly, the CRLMC stands allowed.

14. As a result, the entire criminal proceedings initiated against the Petitioners in connection with Pattamundai P.S. Case No.459 of 2015 corresponding to G.R. Case No.459 of 2015, pending before the learned J.M.F.C., Pattamundai, are hereby quashed.

15. Urgent certified copy of this order as per Rules.



16. A copy of the order be communicated to the learned trial Court for information.

(Dr. Sanjeeb K Panigrahi)
Judge

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