

IN THE HIGH COURT OF ORISSA AT CUTTACK

CRLMC No. 2589 of 2022

Bira @ Birakishore Das

....

Petitioner

Ms. Diptirekha Nanda, Advocate

-Versus-

State of Odisha

....

Opposite Party

Mr. S.S.Mohapatra, ASC

CORAM:
JUSTICE R.K.PATTANAIK

ORDER
20.09.2022

Order No.

01.

1. Heard learned counsel appearing for the petitioner and learned counsel for the State.

2. Instant petition under Section 482 Cr.P.C. is filed challenging the impugned order under Annexure-1 whereby the learned court below has taken cognizance of offences under Section 498-A, 306, 406 read with 34 IPC read with Section 4 of Dowry Prohibition Act on the grounds stated therein.

3. It is contended that there is no specific allegation against the petitioner, who is the father in-law of the victim and that apart, the alleged demand which is mentioned in the F.I.R. is said to have been made after nine years of marriage and in such view of the matter, in absence of any specific allegation against the petitioner, inasmuch as, when the F.I.R. reveals allegations to be omnibus in nature, the criminal proceeding should be quashed.

4. Considering the prayer, the Court is inclined to issue notice to the informant, namely, the father of the victim.
5. Learned ASC accepts notice for the State.
6. Notice to the informant and for the said purpose learned counsel for the petitioner is directed to furnish the address statement vis-à-vis the informant for issuance of notice returnable at an early date and hence to file requisites within next three working days.
7. List this matter on 24th October, 2022.

(R.K.Pattanaik)
Judge

I.A. No. 2047 of 2022

02.

1. Ms Nanda, learned counsel for the petitioner submits that in view of the fact that there is omnibus allegations against all, the petitioner should be intermily protected till the next date.
2. Considering the above, as an interim measure, the Court directs that no coercive action shall be taken against petitioner in connection with G.R. Case No. 51 of 2022 arising out of Ersama P.S. Case No. 25 of 2022 pending before the court of learned J.M.F.C., Ersama till the next date.
3. An urgent certified copy of this order be issued as per rules.

(R.K.Pattanaik)
Judge