
(2022) 02 OHC CK 0184
In the Orissa High Court
Case No : CRLMC No. 1271 Of 2021

Milu @ Millu Kumar Behera And Others	APPELLANT
Vs	
State Of Odisha And Another	RESPONDENT

Date of Decision : 22-02-2022

Acts Referred:

Code of Criminal Procedure, 1973 — Section 482
Indian Penal Code, 1860 — Section 34, 294, 323, 366, 506
Information Technology Act, 2000 — Section 66(A)

Citation : (2022) 02 OHC CK 0184

Hon'ble Judges : Savitri Ratho, J

Bench : Single Bench

Advocate : S.R.Subudhi, P.K.Mohanty, B.K.Dash

Final Decision : Disposed Of

Judgement

Savitri Ratho, J

This matter is taken up through hybrid mode.

This application under Section 482 of Cr.P.C. has been filed by the petitioners with a prayer to quash the order dated 08.01.2020 taking cognizance of offence under Sections 294/323/366/506/34 of I.P.C. and Section 66 (A) of the I.T. Act.

Mr. S.R.Subudhi, learned counsel for the petitioners submits that in the meanwhile the petitioner No.1 and the victim who is the daughter of opp. party No.2-complainant have got married on 5.6.2019 before the deity Lord Kalagri Mahadedv Temple Bije, Betei, P.S., Salipur in the district of Cuttack and are leading a happy conjugal life having been blessed with a male child.

Mr. B.K.Dash, learned counsel for opp. party No.2 who has entered appearance on behalf of opp. party No.2-informant has filed an affidavit stating that since the petitioner No.1 and the daughter of opp. party No.2 are leading a happy conjugal life and are blessed with a female child on 29.3.2021, he does not want to proceed with the complaint case.

It appears that there is discrepancy relating to sex of child of petitioner No.1 and daughter of opp. party No.2. It is also borne out from the record that the daughter of opp. party No.2 has not been arrayed as opp. party No.2 in this case.

Mr. S.R.Subudhi, learned counsel for the petitioner is directed to implead the victim as opp. party No.2 in this case.

Learned counsel for the parties are also directed to reconcile the discrepancy regarding sex of the child of petitioner No.1 and daughter of opp. party No.2 before the next date. List this matter on 15.3.2022.

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