

(2023) 02 OHC CK 0168
In the Orissa High Court
Case No : CRLMC No.1916 Of 2022

Mir Tajuddin And Others

APPELLANT

Vs

State Of Odisha And Others

RESPONDENT

Date of Decision : 23-02-2023

Acts Referred:

Code of Criminal Procedure, 1973 — Section 482

Indian Penal Code, 1860 — Section 34, 294, 323, 341, 354, 427, 447, 452, 506

Citation : (2023) 02 OHC CK 0168

Hon'ble Judges : Savitri Ratho, J

Bench : Single Bench

Advocate : S.K.Ray, D.Nayak

Final Decision : Disposed Of

Judgement

Savitri Ratho, J

1. This application under Section 482 of Cr.P.C. has been filed by the petitioners for quashing the ICC Case No.253 of 2018 which has been converted to C.T. Case No.911 of 2018 in the file of learned S.D.J.M., Jajpur. Copy of the order dated 18.12.2018 taking cognizance of offence punishable under Sections 341/323/294//354/427/447/452/506/34 of IPC has been annexed as Annexure-3 to this application.

2. Mr.S.K.Ray, learned counsel for the petitioners submits that there was a scramble for possession of the courtyard in respect of which Civil Suit No.86 of 2016 and Civil Suit No.107 of 2014 in the Court of learned Civil Judge (Junior Division), Jajpur are pending and the allegations being civil in nature, the FIR deserved to be quashed.

3. Considering the above submissions, issue notice to the opposite parties.

4. Notice on behalf of opposite party No.1, State of Odisha is accepted by Mr.D.Nayak, learned Additional Government Advocate. Requisites for issuance of

notice to opposite party No.2 by registered post with A.D. shall be filed by 28.02.2023. Notice shall be made returnable within four weeks.

5. List this matter in the week commencing 3rd April, 2023.

6. Mr.Nayak, learned Additional Government Advocate shall obtain the instructions and case diary before the next date.

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