(2025) 12 OHC CK 0071

Orissa HC

Case No: Criminal Miscellaneous Case No. 3643 Of 2022

Haladhar Behera & Others	APPELLANT
Vs	
State Of Odisha And Another	RESPONDENT

Date of Decision: Dec. 8, 2025

Acts Referred:

- Indian Penal Code, 1860-Section 34, 294, 341
- Code Of Criminal Procedure, 1973-Section 482

Hon'ble Judges: Chittaranjan Dash, J

Bench: Single Bench

Advocate: K.K. Rout, A.K. Apat

Final Decision: Dismissed

Judgement

Chittaranjann Dash, J

1. By means of this application, the Petitioners seek to quash the order of cognnizance passed by the learned J.M.F.C., Aul dated 02.05.2022 in G.R. Case No.646 of 2021 arising out of Rajkanika P.S. Case No.3644 of 2021.

2. The backkground facts of the case, in brief, are that Opposite Party No.2 lodgged a written report before the Rajkanika Police Station alleging that, while she was proceeding to the college, the present Petitioners obstructed her from entering the caampus on the ground that heer relieving order had already been issued, notwithstanding that her transfer order had, in the meantime, been quashed. She fuurther alleged that Petitioner No.1 had assumed charge as Principal-in-Charge of Olaver College and that her life was being threaatened. On the basis of the reportt, the police registered Rajkanika P.S. Case No. 364 of 2021 unnder Sections 341/294/34 of IPPC corresponding to G.R. Case No.646 of 2021. After the investigation, the police submitted the Charge-Sheet and the learned trial court took cognizance of the offfences under Sections 341/2944/34 of IPC.

3. Mr. Routt, learned counsel for the Petitioners, in course of the hearing in the application, inter alia, submitted thaat the alleged incident occurredd on 18.03.2021, whereas the FIR has been lodged on 02.11.2021 i.e. after eight months of the occurrence without explaining the cause of delay. It is further submittted that the narration made in the complaint so also from the statement of the witnesses recorded in course of the investigation, there appears no material to constiitute the offences under Section 341/2994/34 of IPC. Nothing has beenn stated to the effect that the act of obbscene words used cause annoyance to the Complainant in public. The learned counsel further submitted that the learned court below did not apply his judicial minnd before taking cognizance into the aforesaid offences and as such, the order of cognizance is deserved to be set aside or quashed.

4. Mr. Apatt, learned Addl. P. P., on the other hannd, submitted that the narration made in the complaint as well as the statement of the witnesses in course of the investigation clearly suggests that the Opposite Party No.2 while was entering the collegee, which she continued to visit was obstructed by the Petitioners, thereby, the Petitioners are ammenable to the offence under Section 341 of IPC as far as the obscene abuse and causing annoyance to the Opposite Party No.2 is concerned, it is submitted by the learnedd counsel for the State that the evidence is inevitable in the case to ennsure, if such annoyance was caused to the victim or not and the matter cannot be decided at the thrreshold that the abuse or the obscene word used did not cause any annoyance to the Opposite Party No.2. Similarly, the action of the Peetitioners, being in furtherance of thheir common intentions, which is apparent on the face of record, it caannot be said that the aforesaid offences are not made out to proceed with the trial.

5. Upon peerusal of the narration made in thee complaint, coupled with thhe statements of the witnesses recoorded during investigation, it prima facie appears that when Opposittе Party No.2 was entering the college, the Petitioners obstructed her entry and allegedly used obscene words against her. Whether the ingredients of the offences under Sections 341 and 294 IPC are ultiimately made out is a matter to be determined on the basis of evidence at trial, and this Court, in exercise of jurisdiction under Section 4882 Cr.P.C., is not expected to undertake a meticulous examination or appreciation of the materials so as to test their evidentiary worth. Inn view of the settled legal posiition that the power to quash criminal proceedings is to be exercisedd sparingly and only in exceptional circumstances, there is no groound made out to interfere with the order of cognizance passeed by the learned court below.

6. In the maatter of Kaptan Singh vs. State of Uttar Pradesh, LL 2021 SC 379, the Supreme Court has reiterated the following:

“9.2 In the case of Dhruvaram Murlidhar Sonar (Supra) after considering the decisions of this Court in Bhajan Lal (Supra), it is held by this Court that exercise of powers under Section 482 Cr.P.C. to quash the proceedings is an exception and not a rulee. It is further obbserved that inherent jurisdiction under Section 482 Cr.P.C. though wide is to be exercised spaaringly, carefully and with caution, only when such exerrcise is justified by tests specifically laid down in section itself. It is furthher observed that appreciation of evideence is not permiissible at the stage of quashing of proceeedings in exercise of powers under Section 482 Cr.P.C. Similar view has

been expressed by this Court in the case of Arvind Khanna (Supra), Managipet (Supra) and in the case of XYYZ (Supra), referred to hereinabove."

7. Applying the aforesaid principle to the preseent case, the contention regardding delay in lodging the FIR is also a matter to be tested during triaal, and does not vitiate the cognizance taken by the learned Magistraate. In view of the above, the Petitioners are at liberty to seek discharge at the appropriate stage andd to raise all permissible pleas during the trial. In the absence of any ground warranting interrference, and there being material on record indicating a primma facie case, this Court finds no reason to quash the order impugnned.

8. Accordingly, the CRLMC stands dismissed.