

IN THE HIGH COURT OF ORISSA AT CUTTACK

CRLMC No. 2228 of 2014

Tunia Mohapatra@ Golak Bihari
Mohapatra & Others

....

Petitioners

Mr. N.K.Lenka, Advocate

-Versus-

State of Odisha & Another

....

Opposite Parties

Mr. P.K.Rout, AGA

CORAM:

MR. JUSTICE R.K. PATTANAİK

ORDER

25.08.2022

Order No.

06.

1. Heard learned counsel for the petitioners and learned counsel for the State.
2. Instant petition under Section 482 of Cr.P.C. is filed by the petitioners for quashing of the order dated 8th July, 2011 in G.R. Case No. 42 of 2010 corresponding to Fategarh P.S. Case No. 20 of 2010 pending before the court of learned J.M.F.C., Khandapada (presently J.M.F.C., Bhapur).
3. Perused the F.I.R. and other connected documents.
4. Learned counsel for the petitioners submits that petitioner No.1 has married to opposite party No.2 in the meantime which is evident from Annexure-4. It is further submitted that the parties are living together and also blessed with a child in the year 2010 and in such view of the matter, the criminal proceeding pending before the court below should be quashed in the interest of justice.
5. As per the F.I.R., a case under Sections 363/366(A)/34 IPC has been registered against the petitioners.

6. Learned counsel for the State submits that according to the instruction received from the concerned P.S., the parties are living together and leading a happy conjugal life. In fact, the opposite party Nos. 2 and 3 have filed affidavits before this Court and the same are perused. In both the affidavits, the informant as well as the victim claimed about the settlement of the matter. In fact, opposite party No.3 claimed that she married petitioner No.1 in 2009 in a temple. Considering the above affidavits, submissions of the learned counsel for the parties and taking into account the marriage between the parties and both being blessed with a child, a copy of the birth certificate being at Annexure-5, the Court is of the view that no fruitful purpose would be served to allow the proceeding to continue. In addition, considering the nature of allegations made and subsequent development, the learned counsel for the petitioners also appeals that under such circumstances, inherent jurisdiction may be exercised in the interest of justice to which the Court concedes in order to ensure stability and restore peace in their marital life.

7. Accordingly, it is ordered.

8. In the result, CRLMC stands allowed. Consequently, the proceeding in G.R. Case No. 42 of 2010 corresponding to Fategarh P.S. Case No. 20 of 2010 pending before the court of learned J.M.F.C., Bhapur is hereby quashed.

9. An urgent certified copy of this order be issued as per rules.

(R.K. Pattanaik)
Judge