

**IN THE HIGH COURT OF ORISSA AT CUTTACK**

**CRLMC No.2562 of 2012**

***Sabita Mallick.***

....

***Petitioner***

***-versus-***

***State of Odisha & others.***

....

***Opposite Parties***

**CORAM: JUSTICE S.PUJAHARI**

**ORDER**  
**25.04.2022**

**Order No.**

04.

1. This matter is taken up through Hybrid mode.
2. The petitioner, who is the Informant-wife, in this application under Section 482 of the Code of Criminal Procedure (for short "Cr.P.C.") has prayed for quashing of the order dated 08.03.2010 passed by the learned J.M.F.C., Pipili in G.R. Case No.21 of 2009 taking cognizance of the offences under Sections 498-A, 323, 342, 307 and 506/34 of IPC against the opposite party nos.2 to 9, who are the husband and other in-law members, so also the entire criminal prosecution. Her 164 Cr.P.C. statement recorded also indicate that she does not want to proceed with the case.
3. Heard the learned counsel for the parties.

4. As it appears, in this case, dispute arises out of marital discord.

5. The petitioner-informant has also filed a petition along with an affidavit dated 04.05.2011 before the learned J.M.F.C., Pipili stating therein that she is living peacefully with her husband, the opposite party no.2 along with the other members of her in-laws and, as such, the prosecution launched against her husband and other in-law members may be dropped. Her 164 Cr.P.C. statement recorded also indicate the same. As it appears, the dispute arises out of marital discord. The Informant-victim having filed a petition along with an affidavit before the Court below stating therein that she along with her husband, the opposite party no.2 are now leading a happy marital life and are living along with her other in-law members, even if some of the offences are non-compoundable in nature, but considering the circumstances in which the offences alleged to have been committed and also the nature of the offence and punishment provided and there being nothing on record indicating the fact that the aforesaid compromise is effected being pressurized by the present opposite party nos.2 to 9 or anyone, this Court is of the view that continuance of the aforesaid proceeding shall be an abuse of the process of the Court, inasmuch as there is bleak chance of conviction on conclusion of the trial.

6. I would, therefore, allow this Criminal Misc. Case application and quash the impugned order of cognizance.

Consequently, the prosecution launched against the opposite party nos.2 to 9 stands quashed. The trial court shall do well to comply with this order on production of the certified copy of this order. The original 164 Cr.P.C. statement of the victim along with a copy of this order be sent by the Registry to the Court concerned keeping a photocopy thereof in the case record.

7. Urgent certified copy of this order be granted on proper application.

MRS



**(S. Pujahari)**  
**Judge**