

IN THE HIGH COURT OF ORISSA AT CUTTACK

CRLMC No.79 of 2011

Kishore Chandra Majhi and another **Petitioners**
Miss A.Das, Advocate

-Versus-

State of Odisha and another **Opposite Parties**
Mr. D.R.Parida, ASC
Mr.N.K.Dash, Advocate
for O.P.Nos. 2 & 3

CORAM:
MR. JUSTICE R.K. PATTANAİK

ORDER
25.03.2022

Order No.

12. 1. Heard learned counsel for the petitioners, learned counsel for the State as well as the learned counsel for OP Nos. 2 & 3.
2. This is an application under Section 482 of Cr.P.C., at instance of the petitioners for quashing of the proceeding in G.R. Case No.792 of 2008 arising out of Rourkela Mahila P.S. Case No. pending in the file of learned S.D.J.M., Panposh on the grounds stated therein.
3. Learned counsel for the petitioners submits that OP No.2 is married to petitioner No.1 and both are staying together and leading a peaceful marital life and are also blessed with two children which is revealed from her statement recorded under Section 164 Cr.P.C. and under the above circumstances, criminal proceeding pending before the court below, should be brought to an end. In other words, according to the submission of the learned

counsel for the petitioners, the proceeding in G.R. Case No. 792 of 2008 pending before the learned SDJM, Panposh should be quashed in the interest of justice.

4. Learned counsel for the OP Nos. 2 and 3 submits that in fact, OP No.2 is married to petitioner No.1. It is also informed to the Court that as per the instruction received, both parties are living together and leading a happy conjugal life and also blessed with two children.

5. Mr. Parida, learned counsel for the State apprised the Court about a letter being sent by O.P.No.2 addressed to IIC, Mahila PS, Rourkela indicating therein the fact of marriage between her and petitioner No.1 and her disinclination to pursue the criminal case.

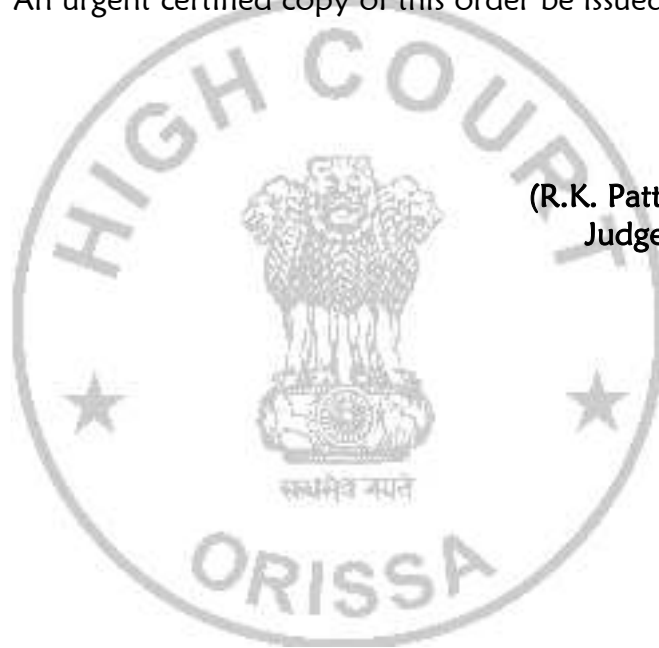
6. A copy of statement of the victim, namely, OP No.2 recorded under Section 164 Cr.P.C. is at Annexure-2. As per the version of the victim, she was married to petitioner No.1 and by then, was 19 years old and also disclosed the fact that both to be blessed with a child and the above facts are not disputed by the learned counsel for OP Nos. 2 & 3. The claim of the victim regarding her marriage with petitioner No.1 is thus revealed from the record and supported by the contention of O.P.No.2. No objection has been raised from the side of the State regarding said status vis-à-vis O.P. No.2 and petitioner No.1 rather the letter addressed to the IIC, Mahila P.S., Rourkela sent by O.P. No.2 is brought to notice of the Court by Mr. Parida, learned counsel for the State.

7. Having regard to the above facts, submissions of the learned counsel appearing for the parties, the Court is inclined to quash the criminal proceeding in G.R. Case No. 792 of 2008 pending before the learned SDJM, Panposh, Rourkela in the best interest of the justice and accordingly, it is ordered.

8. In the result, application under Section 482 Cr.P.C. stands allowed. Consequently, the proceeding in G.R. Case No. 792 of 2008 pending before learned S.D.J.M., Panposh is hereby quashed.

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

(R.K. Pattanaik)
Judge



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