

IN THE HIGH COURT OF ORISSA AT CUTTACK

CRLMC No. 1843 of 2015

Akshaya Kumar Pati

....

Petitioner

Mr. Somanath Satapathy, Advocate

-Versus-

State of Odisha & Others

....

Opposite Parties

Mr. G.R. Mohapatra, ASC

CORAM:
MR. JUSTICE R.K. PATTANAİK

ORDER
22.07.2022

Order No.

- 04.
1. Heard learned counsel for the petitioner and learned ASC for the State. None appears for opposite party no.2 despite a valid service as is revealed from the record.
 2. Instant petition Section 482 of Cr.P.C. is filed by the petitioner for quashing of the proceeding in C.T. Case No. 333 of 2015 arising out of Chandrasekharpur P.S. Case No.16 of 2015 registered under Section 365 IPC on the grounds stated therein.
 3. The informant, namely, opposite party No.2 lodged the F.I.R., whereafter, the case was registered under Section 365 IPC. The learned counsel for the petitioner submits that the petitioner and opposite party No.3 having married and both are living together after such marriage and also blessed with two children, considering the same, the proceeding pending before the court below should be quashed in the interest of justice.

4. The Court perused the statement of opposite party No.3, namely, the victim recorded under Section 161 Cr.P.C. wherein she claimed to have married the petitioner. It appears that by the time of the alleged occurrence, the opposite party No.3 was aged about 19 years which is also revealed from the F.I.R. so also Annexure-3 which is her statement recorded under Section 161 Cr.P.C. Furthermore, a copy of the statement of opposite party No.3 under Section 164 Cr.P.C. as at Annexure-4 also indicates that she has married the petitioner at Banki and thereafter, her father, namely, opposite party No.2 lodged the F.I.R. with the local police. A copy of the marriage certificate is at Annexure-2 which shows that the petitioner and opposite party No.3 have had a civil marriage on 22nd December, 2014 before the Marriage Officer, Baranga.

5. Considering the above facts and submissions of the learned counsel for the petitioner and having gone through Annexure- 2, 3&4, the Court finds that the parties did appear to have a civil marriage way back in 2014 and as such the victim, namely, opposite party No.3 has not alleged any overt act against the petitioner whom he rather claimed to have married in a Court at Banki which is apparently before the Marriage Registration Officer. Hence, in the above background of facts, the Court is of the view that it would be just and proper to quash the proceeding in exercise of the inherent jurisdiction Section 482 Cr.P.C. In fact, the Court is alive to the settled position of law regarding termination of proceedings vis-a-vis the parties with civil and matrimonial disputes where the Supreme Court in the case of **B.S.Joshi & Others Vrs. State of Haryana & Another (2003) 4 SCC 675** held that such jurisdiction may be exercised by the High Court taking into account the facts and circumstances of the case to meet the ends of justice. Having said so, the Court is of the view that it is a fit case

where inherent jurisdiction should be exercised in order to ensure peace in the marital life of the parties.

6. Accordingly, it is ordered.

7. In the result, CRLMC stands allowed.

8. Consequently, the proceeding in C.T. Case No. 333 of 2015 arising out of Chandrasekharpur P.S. Case No. 16 of 2015 pending before the learned S.D.J.M., Bhubaneswar is hereby quashed.



(R.K. Pattanaik)
Judge

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