

IN THE HIGH COURT OF ORISSA AT CUTTACK

CRLMC No.3987 of 2012

Ritendra Rout & Another

.... Petitioners
Mr. P.K.Nanda, Advocate

-Versus-

State of Odisha and another

.... Opposite Parties
Mr. P.K.Mohanty, ASC

CORAM:
MR. JUSTICE R.K. PATTANAİK

ORDER
20.05.2022

Order No.

- 07.
1. Heard learned counsel for the petitioners and the learned counsel appearing for the State.
 2. This is an application under Section 482 of Cr.P.C. filed by the petitioners for quashing of criminal proceeding in C.T. Case No. 229 of 2011 arising out of Athagarh P.S. Case No. 89(6) of 2011 pending in the file of learned SDJM, Athagarh on the grounds stated therein.
 3. In fact, a report was lodged at Athagarh P.S. on 9th May, 2011 by the complainant, namely, opposite party No.2 alleging about the kidnapping of petitioner No.2, who is her daughter, consequent upon which, Athagarh P.S. Case No. 89(6) of 2011 was registered, thereafter charge sheet was filed under Section(s)363/366(A)/34 IPC.
 4. In the meantime, as revealed from the record, opposite party No.3 filed WP (Crl.) No. 610 of 2011 seeking production of petitioner

No.2, who was found missing after the alleged incident. As submitted by the learned counsel for the petitioners, the said writ petition was disposed of by order dated 20th July, 2011. A copy of the order in the WP (Crl.) No.610 of 2011 is at Annexure-4 which is referred to by Mr. Nanda, learned counsel appearing for the petitioners. It is further submitted that the mother of the victim filed M.C. Case No. 191 of 2011 (Annexure-2) which reveals that the marriage between her daughter and petitioner No.1 was solemnized on 13th July, 2011.

5. It is apprised to the Court by Mr. Nanda that both the petitioners are living together and leading a happily married life and therefore, the proceeding of C.T. Case No. 229 of 2011 which is pending before the court of learned SDJM, Athagarh should be quashed in the interest of justice.

6. Being aware of the settled position of law as enunciated by the Supreme Court in the case of *B. S. Joshi & Others Vs. State of Haryana & Another* reported in (2003) 4 SCC 675, wherein, it has been observed that if there is a civil dispute or any kind of dispute arising out of matrimony between the parties, notwithstanding offences to be non-compoundable in nature, in order to ensure restoration of peace and amity between them, inherent jurisdiction Section 482 of Cr.P.C. may be exercised.

7. Regard being had to the settled position of law and considering the submissions of the learned counsel appearing for the parties, the Court is of the opinion that no real purpose would be served by keeping the proceeding in C.T. Case No. 229 of 2011 alive and therefore, it should be quashed keeping in view the interest of the parties, in particular, petitioner No.2 and accordingly, it is ordered.

8. In the result, the CRLMC stands allowed. Consequently, for the reasons stated, the criminal proceeding in C.T. Case No. 229 of 2011 pending in the court of learned SDJM, Athagarh is hereby quashed.

(R.K. Pattanaik)
Judge

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