

IN THE HIGH COURT OF ORISSA AT CUTTACK

CRLMC No.3686 of 2010

Sunita Lenka and another ***Petitioners***
versus-
State of Odisha ***Opposite Party***

CORAM: JUSTICE S. PUJAHARI

Order
No.

ORDER
07.03.2022

05.

1. This matter is taken up through hybrid mode.

2. This application under Section 482 of Cr.P.C. has been filed by the Petitioners with a prayer to quash the entire criminal proceeding initiated against the Petitioner No.2 and others vide Naugaon P.S. Case No.86 of 2010, corresponding to G.R. Case No.724 of 2010, pending in the Court of S.D.J.M., Jagatsinghpur.

3. Heard the learned counsel for the Petitioners and the learned counsel for the State.

4. Since the Petitioner No.1 (Informant-wife) along with her husband (Petitioner No.2-accused) in this petition seeking quashment of the aforesaid F.I.R. lodged for alleged commission of offence under Sections 498(A), 323 and 341 of the I.P.C. read with Section 4 of the Dowry Prohibition Act on the ground that the Petitioner No.1 does not want to proceed with the matter, as she is leaving together with her

husband-Petitioner No.2, this Court is of the view that no useful purpose is going to be served to continue with the criminal prosecution which arises out of marital discord and the law laid down in this regard by the Apex Court in the cases of ***B.S. Joshi vrs. State of Haryana, (2003) 4 SCC 675*** and ***Narinder Singh and others vrs. State of Punjab and another, reported in (2014) 6 SCC 466.***

5. Accordingly, this Criminal Misc. Case is allowed and the F.I.R against the Petitioner No.2 and others vide Naugaon P.S. Case No.86 of 2010 at the instance of the Petitioner No.1 and the consequential proceeding registered pursuant to the same, i.e., G.R. Case No.724 of 2010 on the file of learned S.D.J.M., Jagatsinghpur stands quashed. The I.I.C., Naugaon Police Station as well as the learned S.D.J.M., Jagatsinghpur or the Court in seisin over the matter shall on receipt of the copy of this order/production of the copy of this order, do the needful in this regard.

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

(S. Pujahari)
Judge

DA