

IN THE HIGH COURT OF ORISSA AT CUTTACK

CRLMC No.3113 of 2013

Gautam Pattanaik and another Petitioners
Mr. S.K.Sahoo, Advocate

-Versus-

State of Odisha & Another Opposite Parties
Mr. A.P. Das, ASC

CORAM:
JUSTICE R.K. PATTANAİK

ORDER
20.05.2022

Order No.

- 08.
1. An application under Section 482 Cr.P.C. is filed by the petitioner for quashing of the order of cognizance dated 3rd April, 2013 (Annexure-1) passed in G.R. Case No.4174 of 2012 and the entire criminal proceeding on the grounds stated therein.
 2. In fact, O.P.No.2, namely, the informant lodged an FIR, as a result which, Mahila P.S. Case No. 462(19) dated 15th November, 2012 was a registered under Section(s) 498-A, 323, 294, 406, 506, 509 read with 34 IPC read with 4 of the D.P. Act which finally led to the submission of charge sheet, whereupon, the learned court below passed the order of cognizance under Annexure-1 against the petitioners.
 3. Heard learned counsel for the petitioners and the learned counsel appearing for the opposite parties.
 4. It is contended by the learned counsel for the petitioners that the matter has been settled between the parties, inasmuch as, petitioner No.1 and O.P.No.2 have obtained mutual divorce thereby dissolving their marriage in C.P. No.166 of 2016 by the order of the learned Judge, Family, Bhubaneswar. In support of such contention, an affidavit filed by O.P.No.2 is referred to apprising the Court regarding the payment of permanent alimony

of Rs.20 lac. to her by petitioner No.1. A certified copy of the order dated 7th November, 2016 passed in C.P. No.166 of 2016 is available in the record for the Court's perusal and reference.

5. The learned counsel for O.P.No.2 supported the claim of the petitioners regarding the dispute having been already settled between both the sides on the intervention of well-wishers and relations of the parties and as there was no chance of reunion, mutual divorce was obtained vide C.P. No.166 of 2016.

6. It is well settled law that in cases of the present kind, taking into account the individual interest of the parties and to ensure peace in their personal life, the Court has the jurisdiction to quash the proceeding in exercise of its inherent jurisdiction, especially, when some of the offences alleged is/are non-compoundable in nature. In this connection, the decision of the Supreme Court in **B.S. Joshi and others Vrs. State of Haryana and another** reported in (2003) 4 SCC 675 may be relied upon. In the aforesaid decision, it has been held by the Apex Court that in dispute of civil or matrimonial nature, criminal proceedings arising therefrom may be quashed keeping in view the interest of the parties and the facts and circumstances of a particular case.

7. Regard being had to the above facts and considering the submissions of the respective parties, the Court is of the opinion that in view of the mutual divorce between petitioner No.1 and O.P.No.2 in C.P. No.166 of 2016 and payment of permanent alimony of Rs.20 lac as admitted by O.P.No.2 in her affidavit dated 12th May, 2017, the criminal proceeding in G.R. Case No.4174 of 2012 should be quashed in order to serve the ends of justice and accordingly, it is ordered.

8. In the result, application under Section 482 Cr.P.C. stands allowed. Consequently, the criminal proceeding in G.R. Case No.4174 of 2012 arising out of Mahila P.S. Case No.462 (19) dated

15th November, 2012 pending in the court of learned S.D.J.M., Bhubaneswar and the impugned order of cognizance dated 3rd April, 2013 vide Annexure-1 are hereby quashed.

9. The CRLMC stands disposed of accordingly.

(R.K. Pattanaik)
Judge

TUDU

