

**IN THE HIGH COURT OF ORISSA AT CUTTACK**

**CRLMC No.810 of 2011**

***Shyam Sundar Satpathy &  
another***

....

***Petitioners***

***-versus-***

***State of Orissa & another***

....

***Opposite Parties***

**CORAM: JUSTICE S.PUJAHARI**

**ORDER**

**20.06.2022**

**Order  
No.**

19.

1. This matter is taken up by Hybrid mode.

2. This application under Section 482 Cr.P.C. has been filed by the Petitioners for quashment of the FIR in connection with Angul Town P.S. Case No.622 of 2010 corresponding to G.R. Case No.1588 of 2010 pending in the court of learned S.D.J.M., Angul.

3. It appears that the Petitioners are the parents-in-law of the Opposite Party No.2. The husband of the complainant-Opposite Party No.2 died. Thereafter, a complaint had been filed by the Opposite Party No.2 alleging that suppressing the fact that the son of the Petitioners was ailing person, marriage was solemnized with her and also she was subjected to torture. The court on receipt of the complaint sent the same under Section 156(3) Cr.P.C to the police station, which was registered as Angul Town P.S. Case No.622 of 2010. It is not disputed that during investigation of the case, Rs.8 lakhs had been paid to the Opposite Party No.2 for compromise, which she has received.

The Petitioners thereafter have sought for quashment of the entire proceeding as well as the FIR.

4. During pendency of the proceeding, Opposite Party No.2-wife appeared and submitted that the aforesaid amount of Rs.8 lakhs was for her maintenance. She having been cheated, the same cannot be treated to be the consideration amount for compromise of the matter. However, on the prayer of the Opposite Party No.2-wife the matter was sent to the mediator for mediation. The mediator reported that both the parties are agreed to settle the dispute on payment of Rs.4 lakhs to the Opposite Party No.2-wife in full and final settlement of her all claims including the claim of her all future maintenance. Again Opposite Party No.2-wife deviating from the same, has stated that she is not agreeable for the same and demanded some landed property.

5. However, learned counsel for the Petitioners submits that the Petitioners are not agreeable for the demand of the landed property made by Opposite Party No.2 as the property in question is the self-acquired property of Petitioner No.1-father-in-laws.

6. From the materials available on record, it would go to show that the Opposite Party No.2-wife has already taken an amount of Rs.8 lakhs and agreed to compromise the matter on receipt of Rs.4 lakhs more but she now deviates from the aforesaid. From this, it is clear that she is playing hide and seek with the

court and has filed an affidavit resiling from the earlier compromise, so also compromise arrived before the mediator.

7.Considering the facts and the submissions made, when after death of her husband, she lodged the aforesaid criminal prosecution against the Petitioners, this Court has every reason to believe that the criminal prosecution was launched to harass the parents-in-law, who have lost their son, who stated to have died of cancer. Allowing the prosecution, as such after payment of the money to the wife, when they have also agreed to pay Rs.4 lakhs more in 2013 would be an abuse of the process of Court.

8.Therefore, this Court allows this Criminal Misc. Case, consequently quashes the prosecution subject to payment of Rs.10 lakhs more to the wife-Opposite Party No.2 within six weeks hence inasmuch as it was agreed that they would pay Rs.4 lakhs more to the Opposite Party No.2-wife in the year 2013 and in the mean while nine years have elapsed. The amount be remitted to the account of Opposite Party No.2-wife through R.T.G.S. If the Opposite Party-2 wife refused to receive the amount, the same shall be kept in fixed deposit account in the court. The court in seisin over the matter after being satisfied of the payment of the same in the manner directed shall close the proceeding against the Petitioners pursuant to this order.

9.Furthermore, it is observed that the quashment of the aforesaid criminal prosecution shall be no bar on the part of the

Opposite Party No.2-wife for inheritance of the property to which she is entitled to by filing appropriate application before the appropriate authority or claiming any employment, if any, on account of the death of her husband.

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

PKS

***(S. Pujahari)***  
***Judge***

