

IN THE HIGH COURT OF ORISSA AT CUTTACK

ABLAPL No.846 of 2021

Aswini Kumar Mohanty* *Petitioner

Mr. G. Mohanty, Advocate

-versus-

State of Odisha* *Opp. Party

Mr. A.K. Beura

Addl. Standing Counsel

*Mr. R.K. Mallick, Advocate for
the informant*

**CORAM:
JUSTICE S.K. SAHOO**

**ORDER
12.05.2022**

Order No.

08. This matter is taken up through Hybrid arrangement (video conferencing/physical mode).

Heard learned counsel for the petitioner, learned counsel for the informant and learned counsel for the State.

Both the petitioner Aswini Kumar Mohanty and the informant Smt. Suprava Mohanty are present in Court. They have filed a joint affidavit dated 04.05.2022 in which the petitioner agreed to pay a sum of Rs.18,00,000/- (rupees eighteen lakhs) towards permanent alimony to the informant towards full and final settlement and both of them have filed a

mutual divorce case under section 13(B) of the Hindu Marriage Act before the learned Judge, Family Court, Cuttack. It is further stated in the joint affidavit that the informant shall never demand any maintenance amount in future nor she would claim through Court by filing cases for maintenance or any kind of alimony or residence.

As per the joint affidavit, it is stated by the petitioner that he has already returned back all the gold ornaments of the informant so also the ornaments which were presented to him from the side of the informant at the time of marriage. The informant also stated that she has received back all the ornaments from the petitioner.

Today, the petitioner Aswini Kumar Mohanty handed over four bank drafts i.e. Demand Draft no.505445 dated 11.05.2022 amounting to Rs.3,00,000/- (rupees three lakhs) of ICICI Bank, Demand Draft no.480563 dated 10.05.2022 amounting to Rs.4,00,000/- (rupees four lakhs) of State Bank of India, Demand Draft no.331244 dated 11.05.2022 amounting to Rs.6,00,000/- (rupees six lakhs) of DCB Bank and Demand Draft no.004792 dated 11.05.2022 amounting to Rs.5,00,000/- (rupees five lakhs) of HDFC Bank to the informant in Court. The informant verified the same and found it to be correct and she accepted the same. The Xerox copies

of the demand drafts filed by the learned counsel for the petitioner are taken on record.

Learned counsel for the petitioner submitted that since the case arises out of matrimonial dispute and the matter has been amicably settled between the parties and the permanent alimony amount of Rs.18,00,000/- (rupees eighteen lakhs) has already been paid to the informant, the criminal proceeding in Infocity P.S. Case No.11 of 2021 corresponding to C.T. Case No.361 of 2021 pending in the Court of learned S.D.J.M., Bhubaneswar may be quashed.

The informant Smt. Suprava Mohanty submitted in open Court that she has no objection, if the said proceeding is quashed.

Considering the submissions made by the learned counsel for the respective parties and also on hearing the petitioner and the informant in person and since the informant has received the full and final alimony amount of Rs.18,00,000/- (rupees eighteen lakhs) in Court today and she has no objection, if the criminal proceeding is quashed, since no useful purpose would be served in the continuance of the proceeding, in the interest of justice, invoking the power under section 482 of Cr.P.C., I am inclined to quash the criminal proceeding in Infocity P.S. Case No.11 of 2021 corresponding to C.T. Case No.361 of 2021 pending in the Court of learned S.D.J.M.,

Bhubaneswar.

Accordingly, C.T. Case No.361 of 2021 pending in the Court of learned S.D.J.M., Bhubaneswar stands quashed.

The ABLAPL is disposed of.

A copy of the order be communicated to the concerned Court for intimation.

A free copy of this order be handed over to the learned counsel for the State, who shall intimate the Inspector in-charge of Infocity police station in that respect.

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

(**S.K. Sahoo**)
Judge

RKM

