

IN THE HIGH COURT OF ORISSA AT CUTTACK

CRLMC No.196 of 2020

Somanath Acharya @ Acharijaya

.... **Petitioner**
Mr. P.K.Sahoo, Advocate

-Versus-

State of Odisha & Another

.... **Opposite Parties**
Mr.P.K.Rout, AGA

CORAM:
MR. JUSTICE R.K. PATTANAİK

ORDER
22.09.2022

Order No.

- 01.
1. Heard learned counsel for the petitioner, learned counsel for the informant, namely, opposite party No.2 and learned counsel for the State.
 2. Instant petition under Section 482 of Cr.P.C. is filed at the behest of the petitioner challenging the order of cognizance dated 13th December, 2019 passed in G.R. Case No. 183 of 2017 pending in the court of learned SDJM, Jeypore, Koraput on the grounds stated therein.
 3. Learned counsel for the petitioner submits that the petitioner has married the victim, namely, opposite party No.2 and both are staying as spouses and even blessed with a child while claiming so, he refers to an affidavit sworn by opposite party No.2 annexed with a copy of the Marriage Certificate of the year 2019. It is submitted that the marriage between the parties was solemnized on 21st March, 2019 and thereafter, it was registered in the month of September, 2019

before the Marriage Officer, Berhampur, Ganjam and since the time of marriage, they are leading a happy conjugal life and blessed with a male child and considering the same notwithstanding the fact that the offence is one of rape punishable under Section 376(2)(n) IPC but in order to ensure peace and stability in their lives, the criminal proceeding should be quashed in the interest of justice.

4. The petitioner and opposite party No.2 are present in Court today in person and also produced the original Aadhar Cards in support of their identity, Mr. Rout, learned AGA identifies the victim and opposite party No.2. The learned counsel for the petitioner identifies the petitioner and submits that in view of the marriage between the parties, necessary orders may be passed quashing the criminal proceeding pending before the court below. On being asked, the petitioner as well as opposite party No.2 admitted about their marriage and claimed that both of them are presently staying together and leading a happy marital life.

5. Having regard to the facts and considering the submissions of the learned counsel for the respective parties and keeping in view the settled position of law laid down 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 held that inherent jurisdiction under Section 482 of Cr.P.C. may be exercised in order to secure the ends of the justice and in view of the fact that in the present case, there has been a settlement between the parties, in order to ensure stability and restore peace in their marital life, the Court is of the opinion that it is a fit case where such jurisdiction should be exercised and accordingly, it is ordered.

6. In the result, CRLMC stands allowed. Consequently, the criminal proceeding in G.R. Case No. 183 of 2017 and the cognizance order dated 13th December, 2019 passed therein by the learned SDJM, Jeypore are hereby quashed.

7. An urgent certified copy of this order be issued as per rules

(R.K. Pattanaik)
Judge

kabita

