

IN THE HIGH COURT OF ORISSA AT CUTTACK

CRLMC No.5929 of 2014

Sujan Pradhan

....

Petitioner

Mrs. S. Jena, Advocate

-Versus-

State of Odisha and another

....

Opposite Parties

Mr. G.R. Mohapatra, ASC
M/s. Subhashree Mohanty, Advocate

CORAM:

MR. JUSTICE R.K. PATTANAİK

ORDER

22.07.2022

Order
No.

- 06.
1. Heard learned counsel for the petitioner, learned ASC for the State and learned counsel for the informant.
 2. This is an application under Section 482 Cr.P.C. for quashing of the criminal proceeding in G.R. Case No.1447 of 2013 arising out of Angul P.S. Case No.533(24) 2013 pending in the file of learned S.D.J.M., Angul on the ground that there has been a compromise between parties and both are married and presently residing together as spouses.
 3. In fact, the informant, namely, the father of the victim lodged the FIR, whereupon, Angul P.S. Case No.533(24) of 2013 was registered under Section 363 IPC. The victim was 15 years old by the time of the alleged occurrence as revealed from the FIR as well as Annexure-2 which is her statement recorded under Section 164 Cr.P.C.

4. Learned counsel for the petitioner produced a copy of the Marriage Register with the relevant entry dated 29th January, 2018 maintained by the Additional Block Development Officer, Banarpal to satisfy the Court that petitioner and opposite party No.2 have married. It is further contended that after their marriage, the petitioner and opposite party No.2 are blessed with two children and presently they are leading a peaceful conjugal life and therefore, the proceeding which is pending before the learned court below should be quashed in the interest of justice. The learned counsel for opposite party No.2 submits that in fact after a compromise, there has been a marriage between the parties.

5. Heaving regard to the above facts and submission made by the learned counsel for the parties and the Court being conscious of the settled position of law as enunciated in **B.S. Joshi and others Vrs. State of Haryana and another** reported in (2003) 4 SCC 675, wherein, the Apex Court held that when the dispute is of civil, matrimonial nature or similar kind, inherent jurisdiction under Section 482 Cr.P.C. may be exercised depending on the facts and circumstances of each particular case and as in the present case, there has been a marriage between the victim and the petitioner, in proof of which a copy of the entry of the Register has been produced, the Court is of the view that in order to restore peace in the marital life between the parties, the criminal proceeding pending before the court below should be quashed.

6. Accordingly, it is ordered.

7. In the result, CRLMC stands allowed. Consequently, the proceeding in G.R. Case No.1447 of 2013 arising out of Angul P.S.

Case No.533(24) of 2013 pending in the court of learned S.D.J.M.,
Angul is hereby quashed.

(R.K. Pattanaik)
Judge

TUDU

