

IN THE HIGH COURT OF ORISSA AT CUTTACK

CRLMC No.572 of 2014

Prafulla Palei and another

....

Petitioners

Mr. Karunakar Gaya, Advocate

-Versus-

State of Odisha and another

....

Opposite Parties

Mr. S. Mishra, ASC

Mr. S.P. Dash, Advocate for OP No.2

CORAM:

JUSTICE R.K. PATTANAİK

ORDER

12.08.2022

Order No.

05.

1. Heard learned counsel for the petitioners, learned counsel for the State and learned counsel for OP No.2.

2. This is an application under Section 482 Cr.P.C. filed by the petitioners for quashing of the criminal proceeding in G.R. Case No.717 of 2012 arising out of Ersama P.S. Case No.75 of 2012 pending in the court of learned J.M.F.C.(P), Kujanga.

3. An F.I.R. has been lodged by OP No.2 in Ersama P.S. Case No.75 of 2012 which was registered under Sections 498(A), 323, 506 read with 34 IPC.

4. Learned counsel for the petitioners submits that the parties have married and presently leading a happy conjugal life and considering the nature of allegations and reunion of the parties, the proceeding pending before the court below should be quashed in the interest of justice.

5. The informant, namely, OP No.2 has filed an affidavit dated 7th February, 2014 stating therein about the amicable settlement between her and petitioner No.1 at the intervention of

the family members and well-wishers and since then they are staying together and leading a happy marital life and thus, claimed for quashing of the proceeding initiated at her behest.

6. Considering the nature of offences alleged and the fact that petitioner No.1 and OP No.2 have been living together as spouses, the Court is of the view that the proceeding which is pending before the court below should be terminated so as to restore peace and stability in their marital life. The above view of this Court is subscribed from the settled law enunciated by the Supreme Court in the case of **B.S. Joshi and others V. State of Haryana and another**, wherein, in certain situations peculiar to the case, it has been held that the jurisdiction of inherent power under Section 482 Cr.P.C. as well as the Article 226 of the Constitution may be exercised. According to the Court, the present case is of such kind where its indulgence is necessary to secure the ends of justice.

7. Accordingly, it is ordered.

8. In the result, the CRLMC stands allowed. Consequently, the criminal proceeding in G.R. Case No.717 of 2012 arising out of Ersama P.S. Case No.75 of 2012 pending in the court of learned J.M.F.C.(P), Kujanga is hereby quashed.

(R.K. Pattanaik)
Judge