

IN THE HIGH COURT OF ORISSA AT CUTTACK

CRLMC No.5544 of 2014

Bibhuti Bhusan Routray

• • • •

Petitioner
None

-Versus-

State of Odisha and others

• • • •

Opposite Parties
Mr. A.P. Das, ASC

CORAM:

JUSTICE R.K. PATTANAIK

ORDER

24.06.2022

Order No.

05.

1. Heard learned counsel for OP No.1 State. None appears on behalf of the petitioner.
2. This is an application under Section 482 Cr.P.C. filed by the petitioner for quashing of the criminal proceeding in connection with Khurda P.S. Case No.412 of 2014 corresponding to G.R. Case No.1299 of 2014 pending in the court of learned S.D.J.M., Khurda on the grounds *inter alia* that OP No.3 voluntarily joined the company of the petitioner as she was not forcibly kidnapped as has been alleged in the F.I.R. by OP No.2.
3. On perusal of the record, it is made to appear that F.I.R. was lodged by OP No.2 alleging that on the date of occurrence, OP No.3 was kidnapped and was taken to Puri and at the relevant point of time, she was 17 years and a student of +3 1st year Arts. Pursuant to the F.I.R. lodged, Khurda P.S. Case No.412 of 2014 was registered.
4. In so far as the case of the petitioner is concerned, he married OP No.3 and has been leading a happy conjugal life and therefore, the criminal proceeding should be quashed. It is further

contended that there has been no kidnapping as such of OP No.3, who rather joined the company of the petitioner on her own volition, in support of their marriage, the petitioner has referred to Annexure-2, which is a Certificate of Marriage which shows that it was solemnized on 27th September, 2014 before the Marriage Officer, Puri.

5. Though in the F.I.R., the age of the victim, namely, OP No.3 said to be 17 years but then, as it appears from Annexure-2, the civil marriage was held which was a month thereafter i.e. on 27th September, 2014 and therefore, it is to be presumed that by the time of marriage under the provisions of the Special Marriage Act, 1957, she had attained majority. In any case, having regard to the fact that the petitioner as well as OP No.3 said to have married long back in the year 2014, which is supported by a Annexure-2, the Court is of the humble opinion that keeping in view the principles laid down by the Apex Court in the case of **B.S. Joshi and others V. State of Haryana and another** decided on 13.03.2003 in SLP (Criminal) No.3416 of 2002 and in order to restore peace in the marital life of the parties concerned, it would be just and proper to quash the criminal proceeding pending before the court below, otherwise, it would result in unnecessary harassment to them.

6. Accordingly, it is ordered.

7. In the result, the CRLMC stands allowed. Consequently, the criminal proceeding in G.R. Case No.1299 of 2014 arising out of Khurda P.S. Case No.412 of 2014 pending in the court of learned S.D.J.M., Khurda is hereby quashed.

(R.K. Pattanaik)
Judge