

IN THE HIGH COURT OF ORISSA AT CUTTACK

CRLMC No.1136 of 2016

Biswajit Rout and others

....

Petitioners

Mr. B.B. Routray, Advocate

-Versus-

State of Orissa and another

....

Opposite Parties

Mr. Sidharth Shankar Mohapatra, ASC, OP No.1

Mr.Kabiraj Pradhan, Advocate for OP No.2

CORAM:

MR. JUSTICE R.K. PATTANAİK

ORDER

30.09.2022

Order No.

03.

1. Heard learned counsel for the petitioners, learned counsel for the State and learned counsel for the informant.
2. The instant petition under Section 482 Cr.P.C. is filed by the petitioner for quashing of the criminal proceeding in G.R. Case No.1257 of 2012 arising out of Sector-7 Rourkela Mahila P.S. Case No.61 of 2012 pending in the court of learned S.D.J.M., Panposh, Rourkela on the grounds stated therein.
3. In fact, opposite party lodged an FIR later to which Mahila P.S. Rourkela Case No.61 dated 6th July, 2012 was registered under Sections 498-A/506/34 of IPC and Section 4 of D.P. Act and ultimately it resulted in submission of chargesheet whereupon the learned court below took cognizance of the said offences vide Annexure-2 by order dated 19th December, 2012.
4. Mr.Routray, learned counsel for the petitioners submits that there has been dissolution of marriage between petitioner No.1

(husband) and opposite party No.2 (wife) in the meantime after having approached the learned Judge, Family Court, Rourkela in C.P. No.58 of 2016 under Section 13-B of Hindu Marriage Act.

5. Mr.Kabiraj Pradhan, learned counsel enters appearance for opposite party No.2 and files his Vakalatnama in Court today along with an affidavit sworn by the informant which is taken on record. In the said affidavit, it is stated that petitioner No.1 and opposite party no.2 have dissolved their marriage by a decree of divorce dated 18th August, 2017 on mutual consent under Section 13-B of the Hindu Marriage Act.

6. Formal objection is received from the side of learned counsel for the State.

7. The Court perused the judgment dated 18th August, 2017 passed by the learned Judge, Family Court, Rourkela in C.P. No.58 of 2016 whereby the parties have dissolved their marriage which was solemnized on 24th June, 2011. It is submitted that at the time of such separation, opposite party No.2 received permanent alimony from petitioner No.1. It is submitted that in view of such divorce between the parties, no fruitful purpose would be served in the continuation of the criminal proceeding which should be quashed in the interest of justice in order to bring peace and stability in the lives of the parties.

8. Considering the above facts and submissions of the learned counsel for the parties and regard being had to the settled position of law as laid down by the Supreme Court in the case of **B.S. Joshi and others Vrs. State of Haryana & Another** reported in (2003) 4 SCC 675 wherein it has been held that inherent jurisdiction may be exercised taking into account the facts and circumstances of a particular case even though the offences are non-compoundable in

nature, the Court is of the view that it is a fit case where such jurisdiction should be exercised in order to terminate the proceeding which is pending before the learned court below in order to ensure stability in the life of the parties. Accordingly, it is ordered.

9. Consequently, the criminal proceeding in G.R. Case No.1257 of 2012 arising out of Sector-7 Rourkela Mahila P.S. Case No.61 of 2012 pending in the court of learned S.D.J.M., Panposh is hereby quashed for the reasons indicated hereinabove.

10. Issue urgent certified copy as per rules.

U.K.Sahoo

