

IN THE HIGH COURT OF ORISSA AT CUTTACK

CRLMC No. 267 of 2022

Sumanta Sharma

....

Petitioner

Mr. M.K.Mohapatra, Advocate

-Versus-

State of Odisha & Another

....

Opposite Parties

Mr. Pradip Ku.Rout, AGA

CORAM:

MR. JUSTICE R.K. PATTANAIK

ORDER

05.09.2022

Order No.

02.

1. Heard learned counsel for the petitioner, learned counsel for the State and learned counsel for opposite party No.2, namely, the informant.

2. Perused the F.I.R. i.e. Annexure-1 and also copy of the charge sheet which is at Annexure-2.

3. Learned counsel appearing for the petitioner submits that the petitioner is the brother-in-law of the victim and in so far as the other accused persons are concerned, the criminal proceeding has been quashed by this Court's order dated 26th August, 2022 passed in CRLMC No. 423 of 2022 which is on account of a compromise between both the sides. In support of such a contention, a copy of the aforesaid order in CRLMC No. 423 of 2022 is produced before the court for perusal. Learned counsel for the petitioner submits that the informant, namely, opposite party No.2 has filed an affidavit which is on record. Learned counsel for the opposite party No.2 also submitted that there has been a compromise, as a result of which, the further

proceeding as against the other accused persons including the husband of the victim was quashed in CRLMC No. 423 of 2022.

4. Having regard to the above facts and considering the submissions of the learned counsel appearing for the respective parties and taking into account the affidavit filed by the informant, namely, opposite party No.2 and quashing of the proceeding in CRLMC No. 423 of 2022 in respect of other accused persons including husband of the victim, the Court is of the view that inherent jurisdiction Section 482 Cr.P.C. should be exercised to terminate the present proceeding as well in order to ensure peace and restore stability in the lives of the parties. It further appears, a proceeding is pending before the Family Court filed under Section 13(b) of the Hindu Marriage Act for dissolution of marriage between husband and the victim and in such view of the matter, the Court is of the opinion that no fruitful purpose would be served to allow the current proceeding in C.T. Case No. 232 of 2020 to continue before the court below and therefore, it should also be quashed.

5. Accordingly, it is ordered.

6. Consequently, the proceeding in C.T. Case No. 232 of 2020 pending before the court of learned Nyayadhikari-cum-J.M.F.C., Junagarh is hereby quashed.

7. In the result, CRLMC stands allowed.

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

(R.K. Pattanaik)
Judge