

IN THE HIGH COURT OF ORISSA AT CUTTACK

CRLMC No.5511 of 2014

Badri Narayan Acharya @ Tuna

....

Petitioner  
None

*-Versus-*

State of Odisha and another

....

Opposite Parties  
Mr. G.N. Rout, ASC

CORAM:  
JUSTICE R.K. PATTANAİK

**ORDER**  
**24.06.2022**

Order No.

04.

1. This is an application under Section 482 Cr.P.C. filed by the petitioner for quashing of the criminal proceeding in C.T. Case No.457 of 2014 arising out of Basta P.S. Case No.41(17) pending in the file of learned S.D.J.M., Balasore on the grounds stated therein.

2. Heard Mr. G.N. Rout, learned counsel for the State OP No.1. None appears for the petitioner as well as OP No.2.

3. OP No.2 is the father of petitioner No.2, namely, the victim. Perused the F.I.R. i.e. Annexure-1 and gone through the contents of it. In fact, the F.I.R. was lodged by OP No.2 being the father of petitioner No.2 alleging therein that she was kidnapped by petitioner No.1. From the F.I.R., it shows that petitioner No.2 was pursuing her study in college and was appearing +2 examination by the time the alleged occurrence took place on 17<sup>th</sup> April, 2014. As alleged in the F.I.R., petitioner No.2 had gone to college for attending the examination but then she disappeared later to which report was lodged with the local police.

4. In so far as Annexure-2 is concerned, it is a deed of declaration of marriage, of course, sworn before a Notary. From the pleading, it is made to reveal that the petitioners after elopement married and resided together. In so far as the age of petitioner No.2 is concerned, it is 23<sup>rd</sup> September, 1996 as is made to appear from the F.I.R. itself, which means, by the time of the alleged incident, she was a major. Since, petitioner No.2 was the daughter of OP No.2 and she did not return home but disappeared, the F.I.R. was lodged. However, considering the pleading and the fact that the parties are married and by the time of the occurrence, petitioner No.2 was major, which is evident from the F.I.R. lodged by OP No.2, the Court is of the considered view that in order to restore peace in the marital life of the petitioners, it should exercise inherent jurisdiction under Section 482 Cr.P.C. 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. In other words, it is a fit case where the criminal proceeding pending before the court below should be quashed in the interest of justice and accordingly, it is ordered.

5. In the result, the CRLMC stands allowed. Consequently, the criminal proceeding in C.T. Case No.457 of 2014 pending in the file of learned S.D.J.M., Balasore is hereby quashed for the reasons indicated herein above.

(R.K. Pattanaik)  
Judge