

IN THE HIGH COURT OF ORISSA AT CUTTACK

CRLMC No.3478 of 2014

Jagabandhu Mishra @ Jagannath

....

Petitioners

Mr. B.B.Swain, Advocate

-Versus-

State of Odisha and another

....

Opposite Parties

Mr. Sonak Mishra, ASC

CORAM:

MR. JUSTICE R.K. PATTANAİK

ORDER

12.08.2022

Order No.

07.

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

2. This is a petition under Section 482 of Cr.P.C. filed by the petitioner for quashing of criminal proceeding in G.R Case No. 400 of 2014 arising out of Gop P.S. Case No. 69 of 2014 pending in the file of learned J.M.F.C., Nimapara on the grounds stated therein.

3. Learned counsel for the petitioner submitted that the petitioner and opposite party No.2 have married and both are blessed with a child. The learned counsel for opposite party No.2 filed an affidavit sworn by the informant, namely, the victim along with some documents including the birth certificate of her child and the same is perused by the Court.

4. From the said affidavit by opposite party No.2, it is revealed that she married the petitioner on 7th July, 2014 with the consent of both the families and well-wishers and thereafter, they were blessed with a male child on 28th March, 2015. Along with the affidavit, the

birth certificate of the child is filed at Anneuxre-1. It is also revealed from the affidavit that the son born in 2015 is mentally retarded, in support of which, a disability certificate is produced and thereafter, a female child born on 2022 and both the parties are living together peacefully with a prayer to quash the proceeding in view of the above facts.

5. Considering the affidavit of opposite party No.2, the fact that they have already married and blessed with two children and the marriage was solemnized almost eight years back, the Court is of the opinion that the no further purpose would be served by keeping the proceeding pending in order to ensure peace and stability in the life of the informant and opposite party No.2 as well as the petitioner who is her husband.

6. Being aware of the law laid down by the Supreme Court in the case of **B. S. Joshi & Others Vs. State of Haryana & Another (2003) 4 SCC 675** and as such, when there is a marriage between the parties in the present case, the Court is of the view that the proceeding pending before the court below should be quashed in exercise of inherent jurisdiction Section 482 of Cr.P.C. in the best interest of justice.

7. Accordingly, it is ordered.

8. In the result, the CRLMC stands allowed. Consequently, the proceeding in G.R. Case No. 400 of 2014 pending in the court of learned J.M.F.C., Nimapara is hereby quashed.

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

(R.K. Pattanaik)
Judge