

IN THE HIGH COURT OF ORISSA AT CUTTACK

CRLMC No.333 of 2022

Dr. Ajit Agrawal and others

Petitioners

Mr. S. Das, Advocate

-Versus-

State of Odisha and another

.... Opposite Parties

Mr. S.S. Mohapatra, ASC

M/s. S. Patra, Advocate for O.P.No.2

CORAM:

MR. JUSTICE R.K. PATTANAİK

ORDER

07.09.2022

Order
No.

- 07.
1. Heard learned counsel for the parties.
 2. Instant petition under Section 482 Cr.P.C. is filed by the petitioners for quashing of the criminal proceeding pending before the court of learned S.D.J.M.(S), Cuttack in connection with G.R. Case No.842 of 2015 which corresponds to Mahila P.S. Case No.50 of 2015 on the grounds stated therein.
 3. Perused the FIR i.e. Annexure-1 and a copy of the charge sheet as at Annexure-2 besides other documents including the order of cognizance i.e. Annexure-3.
 4. Mr. Das, learned counsel for the petitioners submits that there has been a compromise between the parties which is evident from joint affidavit i.e. Annexure-4 and as per the settlement, opposite party No.2 has been paid an amount of Rs.18 lac towards Streedhana through a demand draft dated 2nd September, 2021 of HDFC Bank, Purnia Branch, Purnia. It is further submitted that according to the compromise, the parties shall take steps for withdrawal of all the litigations pending before the judicial forums

which is also mentioned in Annexure-4 and therefore, considering the aforesaid development, the criminal proceeding pending before the learned S.D.J.M.(S), Cuttack should be quashed in the interest of justice whereas the learned counsel for the opposite party No.2 does not dispute about the compromise. The Court perused joint affidavit i.e. Annexure-4 as per which the marriage is stated to have been dissolved between the parties by a decree in C.P. No.374 of 2018 of the Family Court, Cuttack by judgment dated 5th December, 2019 and whereafter opposite party No.2 has been paid an amount of Rs.18 lac and also agreed upon that necessary steps would be taken to withdraw pending litigations. In so far as the offences are concerned, the impugned order i.e. Annexure-3 indicates that the learned S.D.J.M. (S), Cuttack has taken cognizance of offences under Sections 498-A, 294, 313, 506 read with Section 34 IPC and Section 4 of the D.P. Act.

5. Having regard to the fact that the parties have had a compromise and reached at a settlement which is discernable from Annexure-4 and keeping in view the settled position of law that inherent jurisdiction under Section 482 Cr.P.C. may be exercised as has been enunciated by the Supreme Court time and again more prominently in the decision of **B.S. Joshi and others Vrs. State of Haryana and another** reported in (2003) 4 SCC 675, the Court is of the view that it is fit case where the criminal proceeding arising out Mahila P.S. Case No.50 of 2015 should be quashed in the interest of justice and also to ensure peace and stability in the lives of the parties.

6. Accordingly, it is ordered.

7. In the result, the CRLMC stands allowed. Consequently, the criminal proceeding in G.R. Case No.842 of 2015 arising out of Mahila P.S. Case No.50 of 2015 registered under Sections 498-A, 294, 313, 506 read with Section 34 IPC and Section 4 of the D.P.

Act pending in the file of learned S.D.J.M.(S), Cuttack is hereby quashed.

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

(R.K. Pattanaik)
Judge

TUDU

