

IN THE HIGH COURT OF ORISSA AT CUTTACK

CRLMC No.3234 of 2014

Smt. Parbati Sahu and another

....

Petitioners

Mr. T.K. Acharya, Advocate

-Versus-

State of Odisha and others

....

Opposite Parties

Mr. P.K. Muduli, AGA

CORAM:
MR. JUSTICE R.K. PATTANAİK

ORDER
15.07.2022

Order
No.

05. 1. Heard learned counsel for the petitioners and learned counsel for the State.
2. It is submitted by the learned counsel for the petitioners that both are married and staying together and even blessed with children and on that ground the instant petition has been filed seeking the order of cognizance to be quashed and also the proceeding in G.R. Case No.2 of 2014.
3. The statement of the victim, namely, petitioner No.1 recorded under Section 164 Cr. P.C. read out which is annexed to the petition. The learned counsel for the petitioners submits that there is nothing adverse against the accused as revealed from the statement of petitioner No.1 and also ascertained therefrom that she married the accused in a temple. However, by then when the statement of

petitioner No.1 was recorded, she was a minor aged about 17 years. In any case, petitioner No.1 is claimed to have married the accused. The learned counsel appearing for the petitioners submits that they are even blessed with two children and at present residing peacefully. Mr. Muduli, learned AGA submits that in fact statement of petitioner No.1 under Section 164 Cr.P.C. does reveal about her claim to have married petitioner No.2.

4. Heaving regard to the submissions made and in view of the fact that petitioner No.1 did not allege anything adverse against petitioner No.2 which is clearly borne out of Annexure-2 which is her statement under Section 164 Cr.P.C. rather revealing that she had married to the accused and taking into account the submission that both the petitioners are blessed with children, the Court is of the view that no real purpose would be served in allowing the prosecution survive and continue.

5. In fact, the Supreme Court in case of **B.S. Joshi and others Vrs. State of Haryana and another** reported in (2003) 4 SCC 675 categorically held and observed that in the matters of personal dispute, matrimonial, civil litigations and in case of a compromise or settlement between the parties, inherent jurisdiction under Section 482 Cr.P.C. may be exercised which however depends on the facts and circumstances of each particular case. Being conscious of the above settled position of law and the fact that the victim, namely, petitioner No.1 though a minor by the time of alleged incident but then, subsequently having married to petitioner No.2 which is discernable from her statement under Section 164 Cr.P.C. and the submission which is made on behalf by the learned counsel for the petitioners that they blessed with two children, the Court is of the view that the

proceeding in G.R. Case No.2 of 2014 and consequential order of cognizance under Annexure-1 should be quashed in order to meet the ends of justice and accordingly, it is directed.

6. In the result, the CRLMC stands allowed. As a corollary, order of cognizance under Annexure-1 and the entire proceeding in G.R. Case No.2 of 2014 arising out of Phulbani Town P.S. Case No.82 dated 21st July, 2013 pending in the file of learned Sessions Judge-cum-Special Judge, Phulbani is hereby quashed.

(R.K. Pattanaik)
Judge



TUDU