

IN THE HIGH COURT OF ORISSA AT CUTTACK

CRLMC No. 221 of 2021

Tapan Kumar Naik

....

Petitioner

Mr. Pradip Kumar Mohanty, Advocate

-Versus-

State of Odisha

....

Opposite Party

Mr. Pradip Kumar Rout, AGA

CORAM:

MR. JUSTICE R.K. PATTANAİK

ORDER

20.10.2022

Order No.

03.

1. Heard learned counsel for the petitioner and learned counsel for the State.
2. Instant petition under Section 482 Cr.P.C. has been filed for quashing of the FIR and criminal proceeding in S.T. Case No.18 of 2020 arising out of C.T. Case No.67 of 2020 (Deogarh P.S. Case No.34 of 2020) pending in the file of learned District & Sessions Judge, Deogarh on the ground of compromise and marriage between the parties.
3. Perused the copy of the FIR as at Annexure-1.
4. Learned counsel for the petitioner submits that the petitioner and informant have married in the meantime and presently living together as spouses and leading a happy conjugal life and in view of the aforesaid development, the criminal proceeding pending before the learned District & Sessions Judge,

Deogarh in S.T. Case No.18 of 2020 should be quashed in the interest of justice. While claiming so, learned counsel for the petitioner produced the original Marriage Certificate dated 10th February, 2022 and it is submitted that in view of such marriage having already taken place between the petitioner and informant, the criminal proceeding should be quashed in order to prevail peace and stability in their life.

5. Mr. Rout, learned Additional Government Advocate on the other hand submits that one of the offences for which the petitioner has been chargesheeted is under Section 376 IPC which is not compoundable in nature.

6. The Court perused the Marriage Certificate wherefrom it is made to appear that the petitioner and informant have married before the Marriage Officer, Deogarh on 10th February, 2022. It is claimed that the parties since married are staying together as couple and leading a happy conjugal life.

7. The parties are physically present in Court today and on being asked to the victim, she admitted the fact of compromise and marriage with the petitioner on 10th February, 2022 before the Marriage Officer, Deogarh.

8. Having regard to the above facts and the recent development regarding marriage between the petitioner and the informant, the Court is of the view that inherent jurisdiction should be exercised to quash the proceeding in S.T. Case no.18 of 2020. While arriving at such opinion, the Court is also aware of the settled position of law as laid down by the Apex Court in the case of **B.S. Joshi and others Vrs. State of Haryana & Another (2003) 4 SCC 675** and catena of decisions, wherein, it is held that powers under Section 482 Cr.P.C. as well as Article 227 of the Constitution of

India may be exercised in peculiar facts of a case. As in the present case, the victim is married to the petitioner and both have settled in life since then notwithstanding the fact that the offence under Section 376 I.P.C. is not compoundable in nature, it is a fit case where inherent jurisdiction under Section 482 Cr.P.C. should be exercised in the ends of justice. Accordingly, it is ordered.

9. Consequently, the criminal proceeding in S.T. No.18 of 2020 corresponding to C.T. Case No.67 of 2020 (Deogarh P.S. Case No.34 of 2020) pending in the file of learned District & Sessions Judge, Deogarh is hereby quashed.

10. Issue urgent certified copy as per rules.

(R.K. Pattanaik)
Judge

U.K.Sahoo

