

IN THE HIGH COURT OF ORISSA AT CUTTACK

CRLMC No. 423 of 2022

Sourav Kumar Sharma @ Sourav Kumar
Sharma & Another

Petitioners

Mr. M.K.Mohapatra, Advocate

-Versus-

State of Odisha

.... Opposite Parties

Mr. Pradip Ku.Rout, AGA

CORAM:
MR. JUSTICE R.K. PATTANAİK

ORDER
26.08.2022

Order No.

- 01.
1. Heard learned counsel for the petitioners, learned counsel for the State and learned counsel for opposite party No.2, namely, the informant.
 2. Instant petition under Section 482 Cr.P.C. is filed by the petitioner for quashing of the criminal proceeding in connection with C.T. Case No. 232 of 2020 arising out of Junagarh P.S. Case No. 236 of 2020 pending in the court of learned Nyayadhikari-cum-J.M.F.C., Junagarh on the grounds stated therein.
 3. Learned counsel appearing for the petitioners submits that there has been an amicable settlement between the parties, inasmuch as, petitioner No.1 and opposite party No.2 have approached the Family court at Bhawanipatna, Kalahandi by filing a petition under Section 13(b) of the Hindu Marriage Act in order to dissolve their marriage by mutual consent which is pending disposal. It is further

submitted that in the meantime, the parties have decided to settle the matter and moved this Court for quashing the criminal proceeding and as such, opposite party No.2 has filed an affidavit which is on record and considering the same, the proceeding which is pending before the learned court below should be quashed in the interest of justice.

4. Perused the F.I.R. i.e. at Annexure-1 and charge sheet a copy of which is at Annexure-2. In fact, the petitioners have been charge sheeted under Sections 498-A/323/294/506/406/34 of IPC read with Section 4 of D.P.Act. However, from the affidavit filed by opposite party No.2, it appears that due to intervention of family members and well wishers, she has settled the matter with the petitioners in the meantime and also claimed of having no objection in the event the criminal proceeding so also the order of cognizance which is at Annexure-3 is quashed. Admittedly, the parties are before the Family court for a mutual divorce as is submitted by the learned counsel for the petitioners which is not denied by the learned counsel for the opposite party No.2.

5. Having regard to the affidavit filed by opposite party No.2 and considering the submissions of the learned counsel for the parties and keeping in view the settled position of law as enunciated by the Supreme Court in plethora of decisions, the Court is of the view that in order to ensure peace and restore stability in the lives of the parties, the inherent jurisdiction under Section 482 of Cr.P.C. should be exercised. In other words, regard being had to the affidavit filed by opposite party No.2 and the fact that she and petitioner No.1 have already approached the Family court for dissolution of their marriage by mutual consent, no fruitful purpose would be served to allow the

proceeding in C.T. Case No. 232 of 2020 to continue before the court below and therefore, it should be terminated.

6. Accordingly, it is ordered.

7. Consequently, the proceeding in C.T. Case No. 232 of 2020 and so far cognizance dated 4th July, 2021 passed by the learned Nyayadhikari-cum-J.M.F.C., Junagarh is hereby quashed.

8. In the result, CRLMC stands allowed.

