

IN THE HIGH COURT OF ORISSA AT CUTTACK

CRLMC No.2567 of 2015

Manoj Kumar Sasmal and others

Petitioners

Mr. L.N. Rayatsingh, Advocate

-Versus-

State of Odisha and another

.... Opposite Parties

Mr. Pradeep Kumar Rout, AGA

Mr. S.K. Sahoo, Advocate for O.P.No.2

CORAM:

MR. JUSTICE R.K. PATTANAİK

ORDER

24.08.2022

Order
No.

- 06.
1. Heard learned counsel for the petitioners and learned counsel for the State. None appears for opposite party No.2.
 2. Petition under Section 482 Cr.P.C. is filed challenging the order of cognizance i.e. Annexuree-1 passed in G.R. Case No.413 of 2014 arising out of Nimapada P.S. Case No.83 of 2014 pending in the file of learned J.M.F.C., Nimapada on the grounds stated therein.
 3. As per the learned counsel for the petitioner, there has been a compromise between the parties and in that regard, opposite party No.2, namely, victim wife has filed an affidavit dated 11th April, 2016 in support of such a settlement and in that view of the matter, the proceeding which is pending before the court below should be quashed considering the fact that the matter is resolved.
 4. Learned counsel for the State submits that admittedly opposite party No.2 has filed an affidavit by claiming that she is

staying in her in-laws house with her husband happily and having no objection if the proceeding on the basis of the compromise affected between her and the petitioners is quashed.

5. In view of the above submissions and having regard to the affidavit filed by opposite party No.2 claiming compromise and settlement of the matter and the fact that she has joined her husband and stated to be residing with him and in-laws, the Court is of the considered view that no worthy purpose would be served to have the proceeding continue before the court below, rather, it should be terminated in the interest of justice and to ensure peace and stability in the life of the parties. In view of the Supreme Court Judgment in **B.S. Joshi and others Vrs. State of Haryana and another** reported in (2003) 4 SCC 675, wherein, the Supreme Court held that in certain cases where there is a matrimonial or civil litigation keeping in view of the facts and circumstances each particular case, inherent jurisdiction may be exercised by the Court. In the considered opinion of the Court, the present case is required to be quashed in view of the compromise between the parties in exercise of the inherent jurisdiction as opposite party No.2 being the victim wife having filed an affidavit claiming to be staying with her in-laws and leading a happy marital life.

6. Accordingly, it is ordered.

7. In the result, the CRLMC stands allowed. Consequently, the criminal proceeding in G.R. Case No.413 of 2014 corresponding to Nimapada P.S. Case No.83 of 2014 pending in the file of learned J.M.F.C., Nimapada is hereby quashed.

(R.K. Pattanaik)
Judge