

IN THE HIGH COURT OF ORISSA AT CUTTACK

CRLMC No.720 of 2022

Ranjan Kumar Panigrahi and ***Petitioner***
another

versus-

State of Odisha and another ***Opposite Parties***

CORAM: JUSTICE S. PUJAHARI

Order
No.

ORDER
28.07.2022

04. 1. This matter is taken up through hybrid mode.
2. This application under Section 482 of Cr.P.C. has been filed by the Petitioners with a prayer to quash the criminal proceeding in G.R. Case No.346 of 2013, arising out of Purunakatak P.S. Case No.63 of 2013, pending in the Court of J.M.F.C., Harabhanga.
3. Heard the learned counsel for the parties.
4. The Petitioner has sought for quashment of the aforesaid proceeding on the ground of compromise.
5. It appears that the aforesaid case was initiated against the Petitioners at the instance of Opposite Party No.2, who happens to be the wife of the Petitioner No.1. The offences alleged against the Petitioners are under Section 498-A, 323, 506 read with Section 34 of the I.P.C. They are married in the year 2002 and blessed with two children. The dispute arose

between the Petitioner No.1 and Opposite Party No.2 after 11 years of their marriage. However, after substantive progress of trial, a good sense prevail over the Petitioner No.1, who is a Physical Education Teacher and he has taken her wife in the year 2019 and they are living together. The Opposite Party No.2-Informant, filed an affidavit before the trial court that she is living with her husband and does not want to proceed with the matter. In such premises, this petition has been filed before this Court for quashment of the aforesaid proceeding. The Opposite Party No.2-wife being present stated that she is living happily with her husband and does not want to proceed with the matter. She filed her Aadhaar Card which was duly attested by her counsel and kept on record. The Petitioner No.1-husband also remains present and also files an affidavit that they would continue to lead a happily conjugal life and Opposite Party No.2-wife would not torture by any member of his family. The learned counsel for the State also submits that by the concerned police station enquiry has been made and the same reveals that they are staying as husband and wife.

6. Considering the aforesaid facts and submissions made, especially the fact that there is happy ending to the dispute, even if in this case evidence has been recorded, this Court is of the view that for the ends of justice, the aforesaid proceeding needs to be quashed, moreso when it arose out of a marital discord.

7. Accordingly, this Court allow this Criminal Misc. Case and quash the criminal prosecution launched against the Petitioners vide G.R. Case No.346 of 2013 on the file of the J.M.F.C., Harabhanga. The same is subject to the condition that the Petitioner No.1 would file an affidavit in the trial court indicating therein that he would not repeat such mistake in future against the Opposite Party No.2. So also other Petitioners also file such affidavit. Thereafter, if any violence is caused to the Opposite Party No.2, the Opposite Party No.2 is at liberty to approach the appropriate authority to proceed against the Petitioners and in that event, this Court hopes and trust that the authority concerned shall proceed with the matter most expeditiously. The trial court shall do well to comply with this order on production of the certified copy of this order.

8. Urgent certified copy of this order be granted on proper application.

(S. Pujahari)
Judge

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