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IN THE HIGH COURT OF ORISSA AT CUTTACK

CRLMC No.433 of 2021

Alekha Swain & Another

....

Petitioners

Mr. Manas Chand, Advocate

-Versus-

State of Odisha and Another

....

Opposite Parties

Mr. Manoranjan Mishra, ASC, OP No.1
and Mr. R.R. Mishra, Advocate for OP No.2

CORAM:

JUSTICE R.K. PATTANAİK

DATE OF JUDGMENT:03.11.2022

1. Instant petition under Section 482 Cr.P.C. is at the behest of the petitioners for quashing of the criminal proceeding in connection with G.R. Case No.1667 of 2020 pending in the file of learned S.D.J.M., Kendrapara which corresponds to Marsaghai P.S. Case No.279 of 2020 on the ground of compromise between the parties.
 2. A copy of the FIR as at Annexure-1 is perused by the Court.
 3. Heard Mr. M. Chand, learned counsel for the petitioners, Mr. M. Mishra, learned ASC for the State and Mr. R.R. Mishra, learned counsel for opposite party No.2, namely, the informant.
 4. Opposite party No.2 who is the brother of the deceased lodged the FIR, as a result of which, Marsaghai P.S. Case No.79 dated 14th November, 2020 was registered under Sections 498-A, 306 and 506 read with 34 IPC besides Section 4 of Dowry Prohibition Act. The details of the allegations about the dowry
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demand and ill-treatment so meted out to the deceased have been described in Annexure-1.

5. Learned counsel for the petitioners submits that in the meantime, the matter has been amicably settled between the parties. It is submitted by Mr. Chand, learned counsel for the petitioners that opposite party No.2 as well as the father of the deceased have filed affidavits in support of the alleged compromise which are on record. According to Mr. Chand, the affidavits have been filed without any inducement or compulsion and in such view of the matter, further continuance of the investigation and the criminal proceeding pending before the learned court below would be an abuse of process of law and therefore, inherent jurisdiction should be exercised to quash it in order to secure the ends of justice.

6. Learned counsel for opposite party No.2 admits about the parties reaching at a settlement and he also refers to the affidavits dated 15th March, 2021 sworn by opposite party No.2 and the father of the deceased.

7. Mr. Mishra, learned counsel for the State.2 submits that the deceased committed suicide and in so far as the allegations in Annexure-1 are concerned, the victim was ill-treated which resulted in her death at the end. It is further submitted by Mr. Mishra that the offences are non-compundable in nature and hence, the criminal proceeding in G.R. Case No.1667 of 2020 arising out of Marshaghai P.S. Case No.279 of 2020 should not be quashed.

8. The Court perused the affidavits sworn by opposite party No.2 and father of the deceased as both of them claimed about CRLMC No.433 of 2021

an amicable settlement between the families with the intervention of the relatives and well-wishers and thus, stated that there is no objection, if the proceeding is quashed by the Court.

9. It is settled law that under peculiar facts and circumstances of a particular case, inherent jurisdiction under Section 482 Cr.P.C. may be exercised even where the offences are non-compoundable in nature. In the instant case, the parties have settled their differences and as a consequence whereof, the affidavits have been filed by the brother and father of the deceased, who said to have committed suicide. In fact, opposite party No.2 stated that on account of emotional outburst due to the death of his sister, he had lodged the FIR, however, by passage of time could able to know about the actual facts which led to the amicable settlement.

10. Having regard to the law enunciated by the Apex Court in the case of **B.S. Joshi and Others Vrs. State of Haryana and Another (2003) 4 SCC 675**, wherein, it has been observed that inherent power may be exercised in order to quash criminal proceedings so as to prevent abuse of process of Court or to secure the ends of justice even where the offences are found to be non-compoundable in nature depending on the facts and circumstances of each particular case and considering the affidavits of opposite party No.2 and the deceased's father, the Court is of the conclusion that no fruitful purpose would be served in the continuance of the criminal proceeding arising out of Marshaghai P.S. Case No.279 of 2020 and therefore, it should be quashed. In view of the aforesaid development, there is also a remote chance of conviction as opposite party No.2 and other material witnesses are most unlikely to support the prosecution case. That apart, it is

claimed herein that there was emotional outburst on account of sudden death of the deceased which prompted opposite party No.2 to lodge the report later to which he realized and reconciled to the reality which at times does happen. Furthermore, when the claim is that there has been no influence of any kind but out of sweet will opposite party No.2 and the father of the deceased have sworn the affidavits, the Court is of the conclusion that the request for closure of the case should be allowed with a purpose to bring the litigation between the families to an end. In other words, it is a fit case where inherent jurisdiction should be exercised by the Court to quash the criminal proceeding pending before the court below.

11. Accordingly, it is ordered.

12. In the result, the petition stands allowed. As a necessary corollary, the criminal proceeding in G.R. Case No.1667 of 2020 arising out of Marshaghai P.S. Case No.279 of 2020 pending in the file of learned S.D.J.M., Kendrapara is hereby quashed.

(R.K. Pattanaik)
Judge

U.K. Sahoo