

IN THE HIGH COURT OF ORISSA AT CUTTACK

CRLMC No. 939 of 2022

Pabitra Kumar Parida

....

Petitioner

Mr. C.R.Satapathy, Advocate

-Versus-

State of Odisha & Another

....

Opposite Parties

Mr. Pradip Kumar Rout, AGA

Mr.Laxman Pradhan, Advocate for O.P.No.2

CORAM:

MR. JUSTICE R.K. PATTANAİK

ORDER

28.09.2022

Order No.

04.

1. Heard learned counsel for the petitioner, learned counsel for the State and learned counsel for opposite party No.2.

2. Instant petition under Section 482 of Cr.P.C. is filed by the petitioner for quashing of the criminal proceeding in connection with G.R. Case No. 45 of 2017 arising out of Raghunathpur P.S. Case No. 04 of 2017 pending in the court of learned J.M.F.C., Raghunathpur on the grounds stated therein.

3. Today in Court, learned counsel for the petitioner as well as opposite party No.2 submit that the proceeding arising out of Raghunathpur P.S. Case No. 04 of 2017 corresponding to G.R. Case No. 45 of 2017 should be quashed since the victim has already married and settled in life.

4. Learned counsel for opposite party No.2 refers to the affidavit filed by the informant himself, who is none of the than the father of the victim and father in-law of the petitioner and claims that the victim is married and since the incident is of the year 2017, the criminal proceeding pending before the court below should be quashed in the interest of justice.

5. The Court perused the contents of the F.I.R., copy of which is at Annexure-1. It seems that on account of some monetary dispute between the informant and opposite party No.2, the alleged occurrence said to have happened during which the victim was picked up from the spot and kidnapped allegedly by the petitioner, who is the son in-law of the family.

6. Considering the affidavit of opposite party No.2 and the fact that the victim is already married and settled in life, the Court is of the view that in order to maintain peace and stability in her life and not to create any further disturbance in her conjugal life, the criminal proceeding in G.R. Case NO. 45 of 2017 should be quashed keeping in view the settled position of law as laid down by the Supreme Court in **B. S. Joshi & Others Vs. State of Haryana & Another** reported in (2003) 4 SCC 675, wherein, it has been held and observed that under certain circumstances peculiar to a case and in order to ensure justice, inherent jurisdiction Section 482 of Cr.P.C. may be exercised. The Court is of the opinion that it is a fit case where such jurisdiction should be exercised to quash the proceeding pending before the court of learned JMFC, Raghunathpur.

7. Accordingly, it is ordered.

8. In the result, the CRLMC stands allowed. Consequently, the criminal proceeding in G.R. Case No. 45 of 2017 arising out of Raghunathpur P.S. Case No. 04 of 2017 pending in the court of learned JMFC, Raghunathpur is hereby quashed.

9. An urgent certified copy of this order be issued as per rules

(R.K.Pattanaik)
Judge