

IN THE HIGH COURT OF ORISSA AT CUTTACK

CRLMC No.579 of 2021

Silu Dhal

.... **Petitioner**
Mr. D. Panda, Advocate

-Versus-

State of Odisha and Another

.... **Opposite Parties**
Mr. T.K. Praharaj, SC

CORAM:
MR. JUSTICE R.K. PATTANAİK

ORDER
19.09.2022

Order
No.
08.

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 Cr.P.C. is filed for quashing of the criminal proceeding in C.T. Case No.41 of 2020 corresponding to T.R. Case No.34 of 2020 arising out of Daringbadi P.S. Case No.94 of 2020 pending before the court of learned Special Judge, Baliguda on the ground of compromise and marriage between the parties.
3. Learned counsel for the petitioner submits that there has been a settlement reached at between the parties, inasmuch as, the petitioner and opposite party No.2 have married and presently staying together as spouses in support of which an affidavit is filed by opposite party No.2 herself. Learned counsel for the opposite party No.2 admits the fact of compromise and marriage between

the parties. In fact, the petitioner and opposite party No.2 are present in Court today in person and on being asked, opposite party No.2 claimed that she has married to the petitioner. It is further submitted by the learned counsel for the petitioner that parties are police officers and in view of the compromise and marriage between them, the criminal proceeding should be quashed. Learned Standing Counsel submits that the offence is one under Section 376 IPC and therefore, the proceeding should not be quashed.

4. However having regard to the nature of allegations made in the FIR i.e. Annexure-2, the Court finds that initially parties were in a relationship but thereafter under certain circumstances, it led to the lodging of FIR and the details of the circumstances leading to the lodging report with the local police stands narrated in Annexure-2.

5. Having regard to the above facts and circumstances leading to the dispute between the parties and taking into account the present status such as marriage between the petitioner and opposite party No.2 and the fact that both are staying together and leading a happy conjugal life, the Court is of the view that accepting the affidavit of opposite party No.2 who herself present in the Court and admits about the compromise and settlement reached at, it is a fit case where inherent jurisdiction should be exercised. The Court considering the decision of the Apex Court in **B.S. Joshi and others Vrs. State of Haryana and another** reported in (2003) 4 SCC 675, where it has been held that inherent jurisdiction may be exercised in order to secure the end of justice, the Court is of the conclusion that in the interest of the parties, the proceeding should be terminated.

6. Accordingly, it is ordered.

7. Consequently, the CRLMC stands allowed. Consequently, the criminal proceeding in C.T. Case No.41 of 2020 corresponding to T.R. No.34 of 2020 arising out of Daringbadi P.S. Case No.94 of 2020 pending in the file of learned Special Judge, Baliguda is hereby quashed.

8. An urgent certified copy of this order be granted as per rules.

(R.K. Pattanaik)
Judge



Tudu