

IN THE HIGH COURT OF ORISSA AT CUTTACK
CRLMC No.965 of 2022

Atish Patel and others

.... *Petitioners*
Mr. B. Sahoo, Advocate

-versus-

State of Orissa and another

.... *Opposite Parties*
Miss S. Mishra, A.S.C.
Mr. B. Mohanty, Advocate for O.P. No.2

CORAM:
JUSTICE B. P. ROUTRAY

ORDER
09.05.2022

Order No.
02.

1. Heard Mr. B. Sahoo, learned counsel for the Petitioners, Miss S. Mishra, learned A.S.C. for the State-Opposite Party No.1 and Mr. B. Mohanty, learned counsel for Opposite Party No.2.
2. The Petitioners have prayed for quashing of the criminal proceeding in C.T Case No.431/2022 arising out of Bhubaneswar Mahila P.S Case No.11/2022 for commission of offences under Section 498-A/323/506/34 of the I.P.C and Section 4 of the Dowry Prohibition Act pending before the learned S.D.J.M., Bhubaneswar including the order of cognizance.
3. The facts of the case are that, marriage between Petitioner No.1 and Opposite Party No.2 solemnized on 02.07.2014 in Bhubaneswar in the presence of family members and relatives of both the parties as per Hindu rites and customs. The Petitioner Nos.2 and 3 are the parents-in-law of Opposite Party No.2 and Petitioner Nos.4 and 5 are the sisters of the father in-law of

Opposite Party No.2. Due to dispute and misunderstanding, the marital relationship between the parties was disturbed and the F.I.R. dated 22.01.2022 in Bhubaneswar Mahila P.S. Case No.11 of 2022 was lodged by Opposite Party No.2 alleging demand of dowry with torture.

4. It is submitted on behalf of the Petitioners that in the meantime the matrimonial disputes between the parties have been settled out of Court with intervention of well-wishers from both sides. Presently, both the husband and wife are leading a peaceful and conjugal life along with their daughter.

5. It is further submitted that since the dispute between the parties, who are husband, wife and in-laws, has already been resolved and they are leading a happy conjugal life, there is no need for proceeding further in the matter and as such the criminal proceeding may be quashed in the interest of justice. The Petitioners rely on the principles decided in the case of ***B.S. Joshi v. State of Haryana, (2003) 4 SCC 675*** in support of their contention.

6. In supporting the contention, present Opposite Party No.2 – informant has filed an affidavit on 08.04.2022 stating that she and the Petitioners have amicably settled the matter and that she does not want to continue with the criminal case anymore. Again on 06.05.2022, a joint affidavit was filed on behalf of both the parties stating that the matter has been settled between them and Opposite Party No.2 and Petitioner No.1 are living together peacefully along with their daughter. As such, she does not want

to proceed further against the Petitioners and she would have no grievance if the case against them is quashed.

7. Learned counsel for the Opposite Party No.2 tenders his concession in the light of the affidavit sworn by Opposite Party No.2 and submits that the parties have compromised their differences amicably out of Court and are living peacefully in their respective homes. Learned counsel for the Petitioners submits that in view of the compromise, as the informant is not interested to proceed with the case further, there would be very remote and bleak chance of conviction against the petitioners.

8. In ***B.S Joshi v. State of Haryana***, (2003) 4 SCC 675, the Hon'ble Supreme Court have observed that in exercise of inherent power under Section 482 Cr.P.C, the High Court can quash the criminal proceedings in matrimonial disputes where the dispute is entirely private and the parties are willing to settle their disputes amicably.

9. Further, in the case of ***Gian Singh v. State of Punjab and another***, (2012) 100 SCC 303, the Hon'ble Apex Court upon examination of law laid down in the case of ***B.S Joshi*** (supra) and other cases with regard to inherent power of High Court under Section 482 Cr.P.C have quashed the proceedings involving non-compoundable offences in view of the compromise arrived at between the parties. Also in the case of ***Jitendra Raghuvanshi and others v. Babita Raghuvanshi and another***, (2013) 4 SCC 15, the Supreme Court have held that the High Court in exercise of its inherent power can quash the criminal

proceeding or F.I.R or complaint in appropriate cases in order to meet the ends of justice and Section 320, Cr.P.C does not limit or affect the powers of the High Court under Section 482 of the Code. It is further held that even if the offences are non-compoundable, if they relate to matrimonial disputes and the Court is satisfied that the parties have settled the same amicably and without any pressure, the complaint or criminal proceedings can be quashed for the purpose of securing the ends of justice. If the parties ponder over their defaults and terminate their disputes amicably by mutual agreement instead of fighting it out in the court of law and in order to do complete justice in the matrimonial matters, the courts should be less hesitant in exercising its extraordinary jurisdiction.

10. When the facts are admitted in the instant case that the parties have settled their dispute and are living peacefully together with their daughter and the wife-Opposite Party No.2 has no more grievances against the petitioners, no purpose is seen for further continuance of the criminal proceeding. As such, the criminal proceeding in C.T Case No.431 of 2022 arising out of Bhubaneswar Mahila P.S Case No.11, dated 22.01.2022 including the cognizance order is quashed.

11. Accordingly, the CRLMC is disposed of as allowed.

12. An urgent certified copy of this order be granted on proper application.

(B.P. Routray)
Judge