

IN THE HIGH COURT OF ORISSA AT CUTTACK

CRLMC No.1906 of 2015

Kalia @ Soumya Ranjan Mohanty & Petitioners
Another

Mr. H.N.Mohapatra, Advocate

-Versus-

State of Odisha and Another Opposite Parties
Mr. Priyabrata Tripathy, ASC

CORAM:
MR. JUSTICE R.K. PATTANAİK

ORDER
17.08.2022

Order No.

07.

1. Heard learned counsel for the petitioners, the learned counsel for the State and learned counsel for opposite party No.2, namely, the informant.

2. This is a petition under Section 482 of Cr.P.C. filed by the petitioners for quashing of the F.I.R. vis-à-vis Nimapara P.S. Case No. 125 of 2015 corresponding to G.R. Case No.436 of 2015 pending in the file of learned J.M.F.C., Nimapara on the grounds stated therein.

3. Learned counsel for the petitioners submits that the petitioner and the victim were in a relationship and subsequently they have married each other and since then, both are leading a happy and peaceful conjugal life, considering which, the proceeding pending before the court below should be quashed in the interest of justice. While claiming so, the learned counsel for the petitioners refers to the affidavit filed by opposite party No.2. The

learned counsel appearing for the opposite party No.2 confirms the fact regarding the marriage between the parties.

4. In fact, the F.I.R. was lodged in the year 2015 by opposite party No.2 alleging kidnapping his minor daughter then aged about 16 years, a student of +2 Arts by the petitioners, consequent upon which, Nimapara P.S. Case No. 125 of 2015 was registered under Sections 363/366 IPC.

5. However, in view of the affidavit filed by opposite party No.2, it is made to appear that his daughter and the petitioner have married in the meantime. Referring to the affidavit dated 7th July, 2015 filed by opposite party No.2, it is contended that both the parties are leading a happy marital life and living together and as earlier mentioned, learned counsel appearing for opposite party No.2 also confirmed the same.

6. Having regard to the above facts and to ensure peace and stability in the life of petitioner and the daughter of opposite party No.2 and both of them since are married and living together and having regard to the settled position of law as laid down by the Supreme Court in the case of **B. S. Joshi & Others Vs. State of Haryana & Another (2003) 4 SCC 675**, wherein, it has been held that inherent jurisdiction under Section 482 of Cr.P.C. may be exercised in order to secure of the ends of the justice, the Court is of the view that the facts of the present case demand that the prosecution which has been lunched vide Nimapara P.S. Case No. 125 of 2015 which corresponds to G.R. Case No. 436 of 2015 should be quashed.

7. Accordingly, it is ordered.

8. In the result, the CRLMC stands allowed. Consequently, the proceeding in G.R. Case No. 436 of 2015 pending in the court of learned J.M.F.C., Nimapara is hereby quashed.

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

(R.K. Pattanaik)
Judge

kabita

