

IN THE HIGH COURT OF ORISSA AT CUTTACK

CRLMC No.999 of 2022

Satyabrata Dalai and Others

....

Petitioners

Mr. Om Swarup, Advocate

-Versus-

State of Odisha and Another

....

Opposite Parties

Mr. P.K. Rout, AGA

Mr. S. Mishra, Advocate for O.P. No.2

CORAM:

MR. JUSTICE R.K. PATTANAİK

ORDER

21.10.2022

Order
No.
06.

1. Heard learned counsel for the petitioners and learned counsel for the State. Learned counsel for the opposite party No.2 is absent.
2. Instant petition under Section 482 Cr.P.C. is filed for quashing of the criminal proceeding in connection with C.T. Case No.52 of 2021 corresponding to Mahila P.S. Case No.1 of 2021 pending in the file of learned S.D.J.M., Bhubaneswar on the ground of compromise and dissolution of marriage between the parties.
3. Copy of the FIR which is at Annexure-1 perused by the Court. In fact, subsequent to the lodging of the report, Mahila P.S. Case No.1 of 2021 was registered under Section 498-A IPC and other allied offences including the offence under Section 4 of the Dowry Prohibition Act, 1961.
4. Learned counsel for the petitioners submits that there has been a settlement reached at between the parties, inasmuch as, petitioner No.1 and opposite party No.2 have dissolved their

marriage by approaching the Family Court and considering the same, the criminal proceeding pending before the learned S.D.J.M., Bhubaneswar in C.T. Case No.52 of 2021 should be quashed in the interest of justice. While claiming so, the learned counsel for the petitioners refers to a copy of the judgment of the learned Judge, Family Court, Bhubaneswar in C.P.No.620 of 2021, a copy of which is at Annexure-2.

5. Petitioner No.1 as well as opposite party No.2 appeared before the Court through virtual mode. On being asked, opposite party No.2 admits the fact of compromise and dissolution of her marriage with petitioner No.1 and does not have any objection, if the criminal proceeding pending before the learned court below is quashed.

6. A copy of the judgment in C.P. No.620 of 2021 which is at Annexure-2 is perused by the Court, whereby, the marriage between the parties has been dissolved and decree of divorce was drawn by the learned Family Court, Bhubaneswar.

7. Considering the above facts and aforesaid development with regard to divorce having being obtained by the parties approaching the Family Court, the Court is of the view that no fruitful purpose would be served to continue the criminal proceeding before the court of learned S.D.J.M., Bhubaneswar rather it should be terminated in the interest of parties. While reaching at such a conclusion, this Court takes note of the settled position of law as laid down by the Supreme Court in **B.S. Joshi and others Vrs. State of Haryana and another (2003) 4 SCC 675**, wherein, it has been held and observed that in peculiar facts and circumstances of a case, especially where, the dispute is matrimonial or civil or of similar nature, inherent jurisdiction under Section 482

Cr.P.C. may be exercised. In the present case, the Court is of the view that since the parties have mutually agreed to dissolve their marriage and obtained the decree of divorce from the Family Court, no worthy purpose would be served to allow the continuation of the criminal proceeding. The dissolution of marriage is clearly evident from Annexure-2 and under the above circumstances, the criminal proceeding which is pending before the learned S.D.J.M., Bhubaneswar in C.T. Case No.52 of 2021 should be brought to end in order to restore peace and stability in the lives of the parties.

8. Accordingly, it is ordered.

9. In the result, CRLMC stands allowed. Consequently, the criminal proceeding in C.T. Case No.52 of 2021 corresponding to Mahila P.S. Case No.1 of 2021 pending in the file of learned S.D.J.M., Bhubaneswar is hereby quashed for the reasons indicated herein above.

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

(R.K. Pattanaik)
Judge