

IN THE HIGH COURT OF ORISSA AT CUTTACK

CRLMC No. 1007 of 2022

Sanjay Kumar Parida @ Buna Petitioner
Mr. Dipti Ranjan Bhokta, Advocate and
Miss N. Afreen, Advocate

-Versus-

State of Orissa and another Opposite Parties
Mr. Sitikanta Mishra, ASC, OP No.1
Mr. S.K. Das, Advocate for OP No.2

CORAM:
MR. JUSTICE R.K. PATTANAIK

ORDER
28.10.2022

Order No.

- 03.
1. Mr. S.K. Das, learned counsel has entered appearance for the opposite party No.2 and files his Vakalatnama in Court today, which is taken on record. सचमेव जयते
 2. Heard learned counsel for the petitioner, learned counsel for the State and learned counsel appearing for opposite party No.2.
 3. Instant petition has been filed for quashing of the entire proceeding in G.R. Case No.135 of 2020 arising out of Itamati P.S. Case No.29 of 2020, pending in the court of learned S.D.J.M., Nayagarh on the grounds stated therein.
 4. Learned counsel for the petitioner submits that there has been a compromise between the parties and petitioner and opposite party No.2 have married in the meantime and considering the aforesaid development, the criminal proceeding which is pending

before the learned S.D.J.M., Nayagarh in G.R. Case No.135 of 2020 should be quashed in the interest of justice.

5. Learned counsel for the opposite party No.2 admits the fact of compromise and claimed that they have married in the meantime.

6. Mr. Mishra, learned Additional Standing Counsel for the State submits that the offences are not compoundable in nature and therefore, the criminal proceeding pending before the learned court below should not be quashed. It is also submitted that opposite party No.2 was a minor at the time of the incident and in the meantime, chargesheet against the petitioner has been filed under Sections 366, 363 IPC in connection with the FIR in Itamati P.S. Case No.29 of 2020.

7. Petitioner and opposite party No.2 are present in Court today. Both of them filed a joint affidavit wherein the fact of marriage is stated. As per the petitioner and opposite party No.2 since the time marriage, they are staying together and leading a happy conjugal life and even blessed with a child born on 11th July, 2021.

8. Learned counsel for the petitioner produced the original Marriage Certificate dated 17th March, 2021 and the same is perused. Learned counsel for the petitioner and opposite party No.2 submits that in view of the marriage between the parties and as both are leading a happy life, the criminal proceeding in G.R. Case No.135 of 2020 should be quashed in the interest of justice.

9. Since petitioner and opposite party No.2 have married as revealed from the original marriage certificate dated 17th March, 2021 and the fact that both are staying together as spouses and blessed with a child, no fruitful purpose would be served in allowing the continuance of the criminal proceeding against the

petitioner. In other words, it is a fit case where this Court should exercise the inherent jurisdiction under Section 482 Cr.P.C. to quash the proceeding. The Court is aware of the decision of the apex in the case of **B.S. Joshi and others Vrs. State of Haryana & Another** reported in (2003) 4 SCC 675 wherein it has been held that inherent jurisdiction may be exercised taking into account the facts and circumstances of a particular case.

10. Having regard to the settled position of law enunciated in the decision (supra), the Court is of the view that since the victim is now a major and having married the petitioner and both are living together and leading a happy conjugal life, no worthy purpose would be served to continue the criminal proceeding. Such continuance of the proceeding before the court below would rather cause hardship and disturb the marital life of the parties. Having said so, the Court is of the final opinion that in the facts and circumstances of the case, the inherent jurisdiction under Section 482 Cr.P.C. should be exercised to terminate the proceeding in G.R. Case No.135 of 2020. Accordingly, it is ordered.

11. In the result, the CRLMC stands allowed.

12. Consequently, the criminal proceeding in G.R. Case No.135 of 2020 arising out of Itamati P.S. Case No.29 of 2020 pending in the court of learned S.D.J.M., Nayagarh is hereby quashed.

13. Issue urgent certified copy of this order as per rules.

(R.K. Pattanaik)
Judge