

IN THE HIGH COURT OF ORISSA AT CUTTACK

CRLMC No. 1010 of 2022

Rakesh Kumar Das

....

Petitioner

Mr. Ramakanta Panda, Advocate

Mr. P.C.Mohanty, Advocate

-Versus-

State of Odisha & Another

....

Opposite Parties

Mr. S.S.Mohapatra, ASC

Mr. B.Mohapatra, Advocate, Mr. L.Behera, Advocate

and Mr. S.Tripathy, Advocate for O.P.No.2

CORAM:

MR. JUSTICE R.K. PATTANAİK

ORDER

21.11.2022

Order No.

04.

1. Heard learned counsel for the petitioner and Mr. Mohapatra, learned counsel for the State and learned counsel for opposite party No.2.

2. In the present case, the prayer is for quashing of the order dated 27th July, 2021 and also the entire proceeding in C.T. Case No. 95 of 2021 arising out of Khantapada P.S. Case No. 33 of 2021 pending in the file of learned JMFC(R), Balasore.

3. Learned counsel for the petitioner submits that there has been a marriage between the petitioner and opposite party No.2, namely, the victim/informant and considering the aforesaid development as both are staying together at present as husband and wife the criminal proceeding should be quashed in the interest of justice. While claiming so, learned counsel for the petitioner refers to Annexure-3, a copy of the Marriage Certificate of the year 2021

regarding the civil marriage between the petitioner and opposite party No.2. The original Marriage Certificate is produced in Court today.

4. Learned counsel for opposite party No.2 does not challenge the fact of marriage rather supports it.

5. Mr. Mohapatra, learned counsel for the State submits that the offences are not compoundable in nature and therefore, considering the gravity of the same, inherent jurisdiction Section 482 of Cr.P.C. should not be exercised.

6. The parties are before the Court in person. On being asked, the petitioner submits that he has married opposite party No.2 on 15th March, 2021. The victim/informant-opposite party No.2 is also present physically and she does not dispute it.

7. Having regard to the above facts, marriage between the petitioner and opposite party No.2, who themselves acknowledge such marriage having taken place in 2021 and in support of such marriage, the original Marriage Certificate is produced today for the Courts perusal. Considering the aforesaid development and notwithstanding the fact that the offences are non-compoundable in nature subscribing the view of the Apex Court in **B.S.Joshi & Others Vrs. State of Haryana & Another (2003) 4 SCC 675**, wherein, it has been held and observed that irrespective of an offence not to be compoundable, inherent as well as writ jurisdiction may be exercised to quash a proceeding pending before a court. In other words, it is a fit case, as according to the Court, to quash the proceeding pending before the learned court of JMFC(R), Balasore in the best interest of the parties, who are at present staying as husband and wife and leading a happy marital life the purpose being not to create any disturbance in their lives any more.

8. Accordingly, it is ordered.
9. In the result, CRLMC stands allowed.
10. Consequently, the order dated 22nd July, 2021 under Anneuxre-1 and the entire proceeding in C.T. Case No. 95 of 2021 arising out of Khantapada P.S. Case No. 33 of 2021 pending in the file of learned JMFC(R), Balasore. is hereby quashed.
11. Urgent certified copy of this order be issued as per rules.

