

IN THE HIGH COURT OF ORISSA AT CUTTACK

CRLMC No. 5011 of 2015

Pratap Mallick & Another

....

Petitioners

Mr. Pradeep Ku.Kundu, Advocate

-Versus-

State of Odisha & Others

....

Opposite Parties

Mr. S.S. Mohapatra, ASC

Mr. H.K.Tripathy, Advocate and

Mr. S.K.Jena, Advocate

for O.P.Nos. 2 & 3

CORAM:

MR. JUSTICE R.K. PATTANAIK

ORDER

24.08.2022

Order No.

07.

1. Heard learned counsel for the petitioners and learned ASC for the State as well as the learned counsel appearing for opposite party Nos.2 & 3.
2. Present challenge is to the order of cognizance under Annexure-1 passed in G.R. Case No. 565 of 2001 by the learned J.M.F.C., Niali dated 27th September, 2022 for having taken cognizance of offences punishable under Sections 363/376/109 read with Section 34 of I.P.C. on the grounds stated therein.
3. Perused the F.I.R. and other documents.
4. Learned counsel for the petitioners submits that petitioner No.1 is married to the victim, namely, opposite party No.3 and both after settling their marital dispute are presently staying together and have been blessed with two children and in such view of the matter, the criminal proceeding should be quashed in the interest of justice. While contending so, affidavits filed by petitioner No.1 and opposite party No. 3 are referred to.

5. The Court perused the affidavit filed by both the sides. The fact of compromise between petitioner No.1 and opposite party No.3 is claimed in both the affidavits. In particular, the affidavit filed by opposite party No.3 suggests that she had lodged the F.I.R. against her husband and father in-law and then after a compromise, she is residing with them since 2001 and out of their wedlock, they are blessed with two children. In view of the aforesaid development and having regard to the fact that the parties are living peacefully and leading a happy conjugal life and blessed with two children in the meantime which is also supported by birth certificates as at Annexure-3, the Court is of the view that no real purpose would be served to allow the proceeding to continue. Considering the nature of allegations made and subsequent development, the learned counsel for the petitioner submits that under such circumstances, inherent jurisdiction of the Court Section 482 Cr.P.C. should be exercised in the interest of justice. Being alive to the settled position of law and having regard to the fact that the petitioner and opposite party No.3 are leading a happy and peaceful conjugal life, the Court is of the opinion that it is a fit case where the criminal proceeding pending before the court below should be quashed in order to ensure stability and restore peace in their marital life. Accordingly, it is ordered.

6. In the result, CRLMC stands allowed. Consequently, the proceeding in G.R. Case No. 565 of 2001 arising out of Niali P.S. Case No. 111 of 2001 pending before the learned J.M.F.C., Niali is hereby quashed.

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

(R.K. Pattanaik)
Judge