

IN THE HIGH COURT OF ORISSA AT CUTTACK

CRLMC No.2456 of 2015

Jali Naik & others* *Petitioners

-versus-

State of Odisha & another* *Opposite Parties

CORAM: JUSTICE S.PUJAHARI

Order
No.

ORDER
12.08.2022

04. 1. This matter is taken up through Hybrid Mode.
2. This application under Section 482 of Cr.P.C. has been filed by the Petitioners for quashment of the FIR in connection with Anandapur P.S. Case No.56 of 2015 corresponding to G.R. Case No.246 of 2015 pending in the court of learned S.D.J.M., Anandapur.
3. Heard learned counsel for the Petitioners and learned counsel for the State so also learned counsel for the Opposite Party No.2.
4. It appears that Opposite Party No.2-father of the victim lodged the aforesaid FIR against the present Petitioners. The offences alleged against the Petitioners are under Section 363/366 IPC.
5. On 22.07.2022, this Court directed the I.O to produce the victim before the court in seisin over the matter to record her

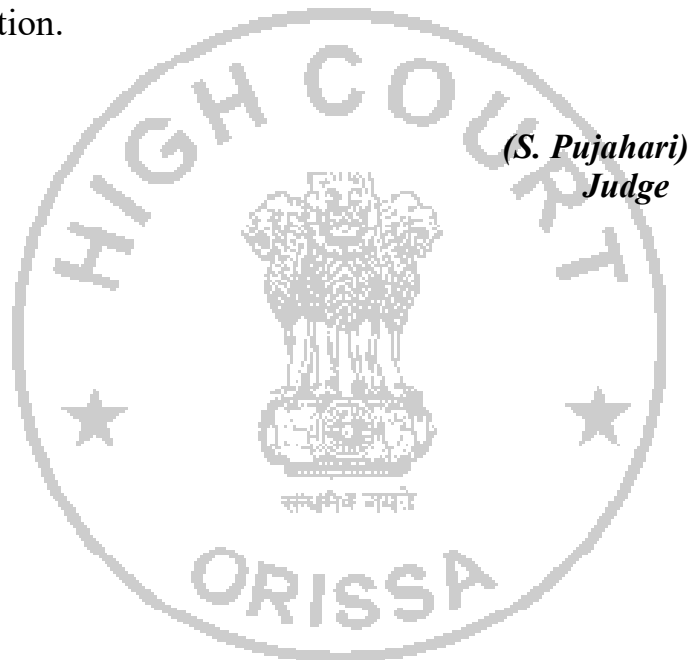
statement under Section 164 Cr.P.C. Pursuant to the said direction, her statement has been recorded wherein it is stated that she had voluntarily left with the Petitioner No.2 and staying with him as his wife. So also the report of the IIC, Anandapur P.S. produced by the State Counsel reveals that Petitioner No.2 and the victim are residing as husband and wife and blessed with two children. A memo along with the copy of such report produced by the learned counsel for the State in Court today be kept on record.

6. A joint affidavit has also been filed by the Petitioners and Opposite Party No.2 wherein it is stated that due to intervention of the village gentries, the matter has been settled amicably. Opposite Party No.2 has no grievance against the Petitioners and he does not want to proceed with the case. Aadhaar cards of Petitioner No.2, victim, children and the Opposite Party No.2 duly attested by their respective advocates filed be kept on record.

7. Considering the statement of the victim recorded under Section 164 Cr.P.C., joint affidavits filed by the Petitioners and the Opposite Party No.2 and on hearing learned counsel for the parties and the fact that the aforesaid case was lodged by the father of the victim but the Opposite Party No.2 does not want to proceed with the matter, as such no useful purpose is going to be served to continue with the prosecution as there is bleak chance of conviction in this case hereinafter. Hence, allowing the prosecution hereinafter shall be an abuse of the process of the Court. This Court, therefore, in exercise of the inherent power

under Section 482 Cr.P.C. allows this Criminal Misc. Case. Consequently G.R. Case No.246 of 2015 arising out of Anandapur P.S. Case No.56 of 2015 pending in the court of learned S.D.J.M., Anandapur stands quashed. The court concerned shall do the needful to close the proceeding in view of the aforesaid order, on receipt of the certified copy of this order or communication from this Court, whichever is earlier.

8. Urgent certified copy of this order be granted on proper application.



(S. Pujahari)
Judge

PKS