

IN THE HIGH COURT OF ORISSA AT CUTTACK

CRLMC No. 1052 of 2022

Kamalini Tandi

.... Petitioner
Mr. A.K. Sahoo, Advocate

-Versus-

State of Odisha and another

.... Opposite Party
Mr. S.S. Mohapatra, ASC, OP No.1
Mr. Jagabandhu Sahu, Advocate for OP No.2

CORAM:
MR. JUSTICE R.K. PATTANAİK

ORDER
12.09.2022

Order No.

04.

1. Heard learned counsel for the petitioner, learned counsel for the State and learned counsel for opposite party No.2
2. Instant petition under Section 482 Cr.P.C. has been filed by the petitioner for quashing of the impugned order in G.R. Case No.1786 of 2015 arising out of Cantonment P.S. Case No.91 of 2015 pending in the court of learned S.D.J.M.(S), Cuttack and the criminal proceeding on the ground of compromise entered into between the parties.
3. Perused the copy of the FIR at Annexure-1, other connected documents as at Annexure-2 and copy of the order dated 13th November, 2016 and compromise petition which are at Annexures-4 and 5 respectively.
4. Learned counsel for the petitioner submits that there has been an amicable settlement between the parties and in fact, both have approached to the court of the learned Judge, Family Court,

Bhawanipatna in C.P. No.35 of 2015 wherein a decree of divorce was passed under Annexure-5.

5. Learned counsel for opposite party No.2 confirms about the compromise between the parties in terms of the decree of divorce passed in C.P. No.35 of 2015 by the learned Judge, Family Court, Bhawanipatna.

6. Mr.Mohapatra, learned Additional Standing Counsel for the State submits that as per the instruction received from the IIC of the concerned PS, there has been no compromise but then the above intimation was received on 24th August, 2022, however, does not have any knowledge in so far the decree of divorce is concerned. In any view of the matter, learned counsel for opposite party No.2 is present and claims about the compromise reached at between the parties.

7. It is apprised to the Court that parties have filed affidavits on 7th September, 2022 and 9th September, 2022 respectively.

8. Having regard to the above facts, petitioner and opposite party No.2 appears to have reached at a settlement later to the decree of divorce by mutual consent in C.P. No.35 of 2015 and being aware of the settled position of law regarding termination of proceedings vis-à-vis the parties involved in civil and matrimonial disputes where the Supreme Court in the case of **B.S. Joshi and others Vrs. State of Haryana & Another** reported in (2003) 4 SCC 675 held that such jurisdiction may be exercised by the High Courts taking into account the facts and circumstances of the case to meet the ends of justice, the Court is of the view that it is a fit case where inherent jurisdiction should be invoked in order to ensure peace and stability in the respective lives of the parties post dissolution of their marriage. Accordingly, it is ordered.

9. In the result, the CRLMC stands allowed. Consequently, the criminal proceeding in G.R. Case No.1786 of 2015 arising out of Cantonment P.S. Case No.91 of 2015 pending in the court of learned S.D.J.M.(S), Cuttack is hereby quashed.

10. Issue urgent certified copy as per rules.

(R.K. Pattanaik)
Judge

U.K.Sahoo

