

IN THE HIGH COURT OF ORISSA AT CUTTACK

CRLMC No.1082 of 2022

Soumya Ranjan Das

Petitioner

Mr. S.K. Sarangi, Advocate

-Versus-

State of Odisha and another

.... Opposite Parties

Mr. T.K. Praharaj, SC

Mr. L. Sahoo, Advocate for O.P.No.2

CORAM:

MR. JUSTICE R.K. PATTANAİK

ORDER

08.09.2022

Order
No.

- 06.
1. Heard learned counsel for the parties.
 2. Instant petition under Section 482 Cr.P.C. is filed by the petitioner for quashing of the order of cognizance i.e. Annexure-1 and charge sheet besides FIR in connection with G.R. Case No.1083 of 2019 corresponding to Chauliaganj P.S. Case No.186 of 2019 pending in the file of learned J.M.F.C.(City), Cuttack on the grounds stated therein.
 3. Perused the copy of the FIR i.e. Annexure-1 and the charge sheet which is at Annexure-2 besides the order of cognizance i.e. Annexure-3.
 4. It is contended that the petitioner as well as opposite party No.2 have married in the meantime and leading a happy conjugal life and have in fact blessed with a child and considering the aforesaid development, no real purpose would be served in the continuation of G.R. Case No.1083 of 2019 pending before the court below and therefore, it deserves to be set aside and quashed in the interest of justice.

5. In response Mr. Praharaj, learned counsel for the State submits that in fact there has been a compromise between the parties as per the instruction received by him from the local police.

6. The petitioner and opposite party No.2 are present Court today and also produced the original Aadhar cards in support of their identity proof and the same are perused. The learned counsel for the petitioner as well as opposite party No.2 also identified their respective parties, who are present in person.

7. That apart, opposite party No.2 has filed an affidavit dated 25th July, 2022 indicating therein that she is wife of the petitioner and on account of misunderstanding between them, the FIR was lodged. It is also claimed therein that both are married in the meantime and leading a marital life as spouses and blessed with a male child on 2nd April, 2022.

8. Considering the submissions of the learned counsel for the petitioner and opposite party No.2 and taking into account the affidavit filed by opposite party No.2 about the fact that there has been a settlement between the parties who are married and leading a happy conjugal life, the Court is of the view that the proceeding pending before the learned court below in G.R. Case No.1083 of 2019 should be quashed in the interest of justice. The Court is conscious of the position of law settled by the Supreme Court in **B.S. Joshi and others Vrs. State of Haryana and another** reported in (2003) 4 SCC 675, wherein, the similar circumstances where offences found to non-compoundable in nature held that inherent jurisdiction under Section 482 Cr.P.C. may be exercised to secure the ends of justice. The Court is thus of the view that it is fit where jurisdiction of under Section 482 Cr.P.C should be exercised to terminate the proceeding.

9. Accordingly, it is ordered.

10. In the result, CRLMC stands allowed. Consequently, the criminal proceeding in G.R. Case No.1083 of 2019 corresponding to Chauliaganj P.S. Case No.186 of 2019 pending before the court of the learned J.M.F.C.(City), Cuttack is hereby quashed.

(R.K. Pattanaik)
Judge

TUDU

