

IN THE HIGH COURT OF ORISSA AT CUTTACK

CRLMC No.795 of 2015

Ranjan Rout @ Mantun

.... Petitioner
Mr. R. N. Rout, Advocate

-Versus-

State of Odisha and Others

.... Opposite Parties

Mr. P.K. Rout, AGA
Mr. S.K. Panda, Advocate for O.P.No.2
Mr. A. Pattnaik, Advocate for O.P.No.3

CORAM:
MR. JUSTICE R.K. PATTANAIK

ORDER
27.09.2022

Order
No.
08.

1. Heard learned counsel for the parties.
2. In the present case, the petitioner has approached this Court invoking inherent jurisdiction under Section 482 Cr.P.C. for quashing of the criminal proceeding in G.R. Case No.321 of 2014 pending in the file of learned S.D.J.M., Anandapur on the grounds stated therein.
3. Learned counsel for the petitioner submits that the petitioner has married opposite party No.3 in the meantime and both are staying together and even blessed with two children and considering the nature of allegations in the FIR and in view of the aforesaid development regarding their marriage, the criminal proceeding arising out of Ghasipura P.S. Case No.122 of 2014 pending in the file of learned S.D.J.M., Anandapur should be quashed.
4. Learned counsel for opposite party Nos.2 and 3 admits the fact of marriage and refers to a copy of Anenxure-1 which is a deed of declaration of marriage between the parties.

5. The petitioner as well as opposite party No.3 are physically present in Court today with their identity proof, such as, original Aadhar Cards.

6. The FIR was lodged by the informant, namely, opposite party No.2 consequent upon which Ghasipura P.S. Case No.122 of 2014 under Section 363 IPC was registered.

7. It is submitted by learned counsel for the petitioner that the investigation was concluded long back and the petitioner was chargesheeted under Sections 363 and 366-A IPC.

8. The Court perused the deed of declaration of marriage as at Annexure-1 and also enquired from opposite party No.3 and could ascertain that she is married to the petitioner and both are staying and leading a happy conjugal life and also blessed with two children.

9. Mr. Praharaj, learned Standing Counsel for the State submits that from the deed of declaration i.e. Annexure -1 and presence of the parties, it appears to be a case of marriage and therefore, appropriate order may be passed in this regard.

10. Considering the above submissions of learned counsel for the petitioner, State and opposite party Nos.2 and 3 and having regard to the fact that parties are married and both have acknowledged their marriage, the Court is of the view that that it is a fit case where inherent jurisdiction should be exercised to quash the criminal proceeding in view of the settled position of law as laid down by the Supreme Court in the case of **B.S. Joshi and others Vrs. State of Haryana and another** reported in (2003) 4 SCC 675.

11. Accordingly, it is ordered.

12. In the result, the CRLMC stands allowed. Consequently, the criminal proceeding in G.R. Case No.321 of 2014 pending in the file of learned S.D.J.M., Anandapur is hereby quashed.

13. An urgent certified copy of this order be granted as per rules.

(R.K. Pattanaik)
Judge

TUDU

