

IN THE HIGH COURT OF ORISSA AT CUTTACK

CRLMC No. 2277 of 2012

Smt. Minarani @Minakhilata Nayak Petitioners
and others

Mr.Jayakrishna Mohapatra, Advocate

-Versus-

Smt. Rasmita Nayak and another Opposite Parties
Mr. Anoop Mishra, Advocate for OP No.1
Mr.T.K. Praharaj, SC, OP No.2

CORAM:
MR. JUSTICE R.K. PATTANAİK

ORDER
07.09.2022

Order No.

09.

1. Mr. Anoop Mishra, learned counsel has entered appearance for the opposite party No.1 and files his Vakalatnama along with an affidavit, which be kept on record. Accordingly, a prayer is made to reflect the name of Mr. Anoop Mishra, learned counsel for the opposite party No.2, which is allowed.
2. Heard learned counsel for the petitioners, learned counsel for the opposite party No.1 and learned Standing Counsel for State.
3. Instant petition under Section 482 Cr.P.C. has been filed by the petitioners praying for quashing the order cognizance dated 18th January, 2012 in ICC Case No.580 of 2010 arising out of ICC No.447 of 2010 pending in the file of learned S.D.J.M. Bhadrak on the grounds stated therein.
4. Perused the FIR at Annexure-1, charge-sheet at Annexure-2 and the impugned order dated 18th December, 2012, which is at Annexure-3.

5. Learned counsel for the petitioner submits that initially a complaint was filed where upon learned court below directed registration of the case in terms of Section 156 Cr.P.C. Consequent upon ICC Case No.580 of 2010 was registered under Sections 498-A/506/406/34 IPC was registered but after final form, the protest petition was filed from the side of opposite party No.2, the same was entertained and therein impugned order under Annexure-1 was passed and learned court below has taken cognizance of the above offences. It is further submitted that in the meantime, opposite party No.2 married accused No.1 in ICC No.580 of 2010 and living together as husband and wife since 2013. In that regard, an affidavit has been filed is taken on record. Thus, it is contended that in view of the marriage been the accused No.1 and opposite party No.2, which is supported by affidavit of opposite party No.2, the Criminal proceeding pending in ICC No.580 of 2010 should be quashed.

6. Learned State Counsel submits that he has received instruction from the concerned IIC about the settlement of the matter between them in the meanwhile.

7. Accused No.1, namely, Subrat Naik in ICC No.580 of 2010 (he is not made a party in the present case) and opposite party No.2 present in the Court in person. The parties have been identified by learned counsel for the opposite party No.2. In fact opposite party No.2 produced original Aadhar Card being identified by the counsels, the same is perused.

8. Having regard to the facts and development regarding marriage between the parties the fact that opposite party No.2 is residing with accused No.1 and leading a happy conjugal life, the Court is of the view that the criminal proceeding in ICC No.580 of 2010 should be quashed, as no fruitful purpose would be served in

keeping the matter pending. The Court is of the view that to restore peace and stability in the life of parties and their family members and the interest of justice, the proceeding should be quashed keeping in view the decision of the law laid down by the Hon'ble 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 Court taking into account the facts and circumstances of the case to meet the ends of justice. Having said so, the Court is of the view that it is a fit case where inherent jurisdiction should be exercised in order to ensure peace in the marital life of the parties. Accordingly, it is ordered.

9. In the result, the CRLMC stands allowed.

10. As a corollary, the proceeding in ICC Case No.580 of 2010 arising out of ICC No.447 of 2010 pending in the file of learned S.D.J.M. Bhadrak is hereby quashed.

11. Issue urgent certified copy as per rules.

(R.K. Pattanaik)
Judge

U.K.Sahoo