

IN THE HIGH COURT OF ORISSA AT CUTTACK

CRLMC No.1236 of 2022

Prasanta Kumar Dash and Others

Petitioners

Mr. B.K. Sahoo, Advocate

-Versus-

State of Odisha and Another

.... Opposite Parties

Mr. S.S. Mohapatra, ASC

Ms. D. Nanda, Advocate for O.P.No.2

CORAM:

MR. JUSTICE R.K. PATTANAİK

ORDER

24.11.2022

Order
No.
04.

1. Heard learned counsel for the petitioners and learned counsel for the State besides learned counsel for opposite party No.2.
2. Instant petition under Section 482 Cr.P.C. is filed by the petitioners for quashing of the FIR and the criminal proceeding in connection with C.T. Case No.17 of 2020 corresponding to Tumudibandha P.S. Case No.5 of 2020 pending in the file of learned Civil Judge-cum-J.M.F.C., Tumudibandha, Kandhamal.
3. Learned counsel for the petitioners submits that petitioner No.1 and opposite party No.2 have compromised the matter and both are staying together at present and considering the settlement reached at and since both are leading a happy conjugal life, the criminal proceeding which is pending before the learned court below in C.T. Case No.17 of 2020 should be quashed in the interest of justice.
4. Learned counsel for opposite party No.2 admits the fact of compromise.

5. Petitioner No.1 as well as opposite party No.2 are physically present in Court today with their identity proof, such as, original Aadhar card and the same are perused by the Court.

6. On being asked, opposite party No.2, namely, the informant confirms the fact of compromise and staying with petitioner No.1 and leading a happy marital life at present.

7. Mr. Mohapatra, learned counsel for the State submits that some of offences are non-compoundable in nature and therefore, the criminal proceeding should not be quashed despite a compromise.

8. The compromise, in the name and style 'Chukti Patra' a copy of which is at Annexure-2 is referred to by the learned counsel for the petitioners as well as opposite party No.2 to claim that there has been a settlement reached at between both the sides. That apart, an affidavit is filed by opposite party No.2 claiming about the amicable settlement between her and petitioner No.1 indicating therein that she does not have any objection, if the criminal proceeding in connection with C.T. Case No.17 of 2020 is dropped by the orders of this Court.

9. Considering the nature of allegations and the fact that the criminal action under Section 498-A IPC has been initiated against the petitioners including the husband-petitioner No.1 at the instance of opposite party No.2, namely, the latter's wife, the Court is of the view that since both of them are resolved the dispute and settled the differences and presently staying together as husband and wife, no worthy purpose would be served to allow continuation of the proceeding before the learned court below rather it should be brought to an end in order to ensure peace and stability in their

lives. The Court is aware of the settled position of law as laid down by the Apex Court in judgment of **B.S. Joshi and others Vrs. State of Haryana and another (2003) 4 SCC 675** in dealing with such matters in exercising inherent jurisdiction under Section 482 Cr.P.C. In other words, the Court finds that when there is reunion and both the parties are living together as spouses, inherent jurisdiction under Section 482 Cr.P.C. should be exercised in order to quash the proceeding.

10. Accordingly, it is ordered.

11. In the result, CRLMC stands allowed. Consequently, the criminal proceeding in connection with C.T. Case No.17 of 2020 corresponding to Tumudibandha P.S. Case No.5 of 2020 pending in the file of learned Civil Judge-cum-J.M.F.C., Tumudibandha, Kandhamal is hereby quashed.

12. Urgent certified copy of this order be granted as per rules.

(R.K. Pattanaik)
Judge

TUDU