

IN THE HIGH COURT OF ORISSA AT CUTTACK

CRLMC No.835 of 2012

Harihar Pradhan

Petitioner

Mr. B.B. Routray, Advocate

-Versus-

State of Odisha and another

.... **Opposite Parties**

Mr. S.S. Mohapatra, ASC

Mr. B.N. Satpathy, Advocate for O.P.No.2

Mr. P.S. Nayak, Advocate for O.P.No.3

CORAM:

MR. JUSTICE R.K. PATTANAİK

ORDER

23.08.2022

Order
No.

09.

1. Heard learned counsel for the parties.
2. Present petition under Section 482 Cr.P.C. is filed by the petitioner for quashing of the FIR i.e. Annexure-1 which corresponds to Pallahara P.S. Case No.27 of 2012 further corresponding to G.R. Case No.52 of 2012 pending in the file of learned S.D.J.M., Pallahara on the grounds stated therein.
3. Perused the certified copy of the FIR as at Annexure-1, wherefrom, it is revealed that opposite party No.3, namely, the informant lodged it subsequent to which Pallahara P.S. Case No.27 dated 5th March, 2012 was registered under Section 363 IPC. It is being alleged therein that the petitioner was instrumental in the kidnapping of the victim, who was by then a minor.

4. Learned counsel for the petitioner submits that the case is still pending at the stage of investigation and no charge sheet is filed yet. It is further submitted that after the alleged incident, petitioner and opposite party No.2 married and since then both are staying together and leading a happy conjugal life. While contending so, an affidavit is referred to which is sworn by the victim herself stating the fact regarding her marriage with the petitioner and presently staying as husband and wife under one roof.

5. Learned counsel for the State on the other hand submits that by the time of the alleged occurrence, opposite party No.2 was a minor aged about 17 years.

6. The offence which is being alleged is under Section 363 IPC with the allegation of kidnapping of opposite party No.2 by the petitioner. However, considering the affidavit, it is made to understand that the parties have married in the meantime. As further submitted by the learned counsel for the petitioner that both of them have been blessed with a child born out of their wedlock.

7. The informant confirms the fact of marriage between the parties. O.P. No.2, the victim is present in Court today and also confirms regarding her marriage with the petitioner. The Court has also had the occasion to peruse the statement of opposite party No.2 recorded under Section 161 Cr.P.C. Learned counsel for the State also submits that he has the statement of the victim recorded under Section 164 Cr.P.C. before the Magistrate which reveals that she was willing to join the company of the petitioner at the relevant point of time.

8. In view of the aforesaid development regarding marriage between the parties and considering the submissions of the learned

counsel appearing for the parties, the Court is of the view that no fruitful purpose would be served to have the proceeding continue before the learned court below under such circumstances and therefore, it should be quashed. Being alive to the settled position of law as enunciated by the Apex Court in **B.S. Joshi and others Vrs. State of Haryana and another** reported in (2003) 4 SCC 675, wherein, it has been held and observed that inherent jurisdiction may be exercised keeping in view the facts and circumstances each particular case, the Court is of the view that it is a fit case where the inherent jurisdiction should be exercised and quash the proceeding in order to restore peace and stability in the life of the petitioner and opposite party No.2 in particular.

9. Accordingly, it is ordered.

10. In the result, the CRLMC stands allowed. Consequently, the criminal proceeding in G.R. Case No.52 of 2012 raising out of Pallahara P.S. Case No.27 of 2012 pending in the file of learned S.D.J.M., Pallahara is hereby quashed.

(R.K. Pattanaik)
Judge