

IN THE HIGH COURT OF ORISSA AT CUTTACK

CRLMC No.1793 of 2012

Bira Kishore Barik and others

Petitioners

Mr. B. Pr. Mohanty, Advocate

-Versus-

State of Odisha and another

.... Opposite Parties

Mr. P.K. Mohanty ASC

CORAM:

MR. JUSTICE R.K. PATTANAİK

ORDER

20.05.2022

Order
No.

- 06.
1. Heard learned counsel for the petitioners and learned counsel for the State. None represents opposite party No.2.
 2. Application under Section 482 Cr.P.C. is filed by the petitioners for quashing of order of cognizance dated 9th January, 2012 (Annexure-5) passed in G.R. Case No.449 of 2011 by the learned S.D.J.M., Jajpur on the grounds inter alia that there has been a settlement between petitioner No.3 and OP No.2 on payment of alimony to the tune of Rs.12.5 lac.
 3. Initially, an FIR was lodged by OP No.2, consequent upon which, G.R. Case No.449 of 2011 was registered and ultimately, order of cognizance of the offences under Section(s) 498-A, 406 read with 34 IPC and Section 4 of the D.P. Act was passed by the learned S.D.J.M., Jajpur.
 4. In the meantime, as is revealed from the petition, after the marriage of petitioner No.3 and OP No.2 on 14th February, 2009,

differences arose between them for which their conjugal life did not last long which led to separation on 12th June, 2009. It is also apprised that the parties litigated before the Family Court, Cuttack in C.P. No.852 of 2009.

5. The learned counsel for the petitioners contends that the dispute has been resolved later to the payment of permanent alimony to OP No.2 by the orders of this Court in MATA No.108 of 2012 which is annexed to the affidavit filed by petitioner No.3 considering which the proceeding as well as the order of cognizance under Annexure-5 be therefore quashed and set aside.

6. The learned counsel for OP No.2 is present and he acknowledges the settlement and receipt of permanent alimony of Rs.12.5 lac by virtue of the order in MATA No.64 of 2012 and MATA No.108 of 2012.

7. The affidavit is perused so also the common order dated 21st July, 2013 passed in MATA Nos.64 & 108 of 2012 filed by OP No.2 and petitioner No.3 respectively. It is made to appear from the above order that this Court directed petitioner No.3 to pay permanent alimony of Rs.12.5 lac enhanced from Rs.10 lac. It is further revealed from Annexure-2 that by an order dated 24th September, 2012 passed in MATA No.64 of 2012, petitioner No.3 deposited of Rs.3 lac payable to OP No.2 towards interim maintenance and litigation expenses.

8. Having considered the materials on record and submission of the learned counsel for the petitioners and also OP No.2, the Court is of the view that since the parties are separated and there has been payment of permanent alimony by orders of this Court to OP No.2 and as both sides have resolved the dispute, the proceeding which is

pending before the court of learned S.D.J.M., Jajpur in G.R. Case No.449 of 2011 should be quashed and accordingly, it is ordered.

9. In the result, application under Section 482 Cr.P.C. stands allowed. As a necessary corollary, the criminal proceeding in G.R. Case No.449 and 2011 and consequential orders are hereby quashed.

10. The CRLMC is disposed of accordingly.

(R.K. Pattanaik)
Judge



TUDU