

IN THE HIGH COURT OF ORISSA AT CUTTACK

CRLMC No. 1339 of 2022

Susanta Kumar Mallick & Others Petitioners
Mr. Hrudananda Tripathy, Advocate

-Versus-

State of Odisha & Another Opposite Parties
Mr. Pradip Ku.Rout, AGA
Mr. Asish Ku.Ray, Advocate for O.P.No. 2

CORAM:
MR. JUSTICE R.K. PATTANAİK

ORDER
16.09.2022

Order No.

03. 1. Heard learned counsel for the petitioners, learned counsel for the State and learned counsel for opposite party No.2, namely, the informant.
2. Instant petition under Section 482 Cr.P.C. is filed by the petitioners for quashing of the criminal proceeding in connection with G.R. Case No. 1073 of 2015 arising out of Sunabeda P.S. Case No. 161 of 2015 pending in the court of learned S.D.J.M., Koraput on the grounds stated therein.
3. Learned counsel appearing for the petitioners submits that later to the lodging of the F.I.R. and registration of Sunabeda P.S. Case No. 161 of 2015 under Sections 498-A/323/294/506/34 IPC read with section 4 of Dowry Prohibition Act, the parties have reached at a compromise and there has been dissolution of marriage between the litigating spouses by the order of Family Court, Cuttack and while

claiming so, he refers to a copy of the judgment dated 25th April, 2022 passed in C.P. No. 630 of 2021. The aforesaid fact of separation and divorce of the parties by mutual consent in terms of Section 13(B) of the Hindu Marriage Act, 1995 is admitted by the learned counsel appearing for opposite party No.2

4. The Court perused Annexure-2 by which the learned Family Court, Cuttack dissolved the marriage between petitioner No.1 and opposite party No.2 and passed an order and decree in C.P.No. 630 of 2021. Learned counsel for opposite party No.2 submits that in view of the decree by the learned Family Court, the permanent alimony has been paid to her at the instance of the petitioner No.1. It is contended that the marriage between the parties having been dissolved in the meantime by the orders of the Family Court, no real purpose would be achieved by continuing the criminal proceeding in G.R. Case No. 1073 of 2015 which corresponds to Sunabeda P.S. Case No. 161 of 2015 and therefore, it should be quashed in the interest of justice.

5. Being aware of the settled position of law laid down by the Supreme Court in the case of **B. S. Joshi & Others Vs. State of Haryana & Another (2003) 4 SCC 675**, the Court is of the view that inherent jurisdiction Section 482 Cr.P.C. should be exercised in order to restore peace and stability in lives of petitioner No.1 and opposite party No.2 who have separated and dissolved their marriage by a decree of Family Court. It is further submitted that the parties also decided to settle the matter and move this Court for quashing of the criminal proceeding and as such, opposite party No.2 has filed an affidavit which is on record and considering the same, the Court considers that the proceeding which is pending before the learned court below should be quashed in the interest of justice.

6. Having regard to the affidavit filed by opposite party No.2 and considering the submissions of the learned counsel for the parties and keeping in view the settled position of law as enunciated by the Supreme Court in **B.S.Joshi** (supra), the Court is of the view that the inherent jurisdiction under Section 482 of Cr.P.C. should be exercised as no fruitful purpose would be served to allow the proceeding in G.R. Case No. 1073 of 2015 to continue before the court below and therefore, it should be terminated.

7. Accordingly, it is ordered.

8. Consequently, the proceeding in G.R. Case No. 1073 of 2015 which corresponds to Sunabeda P.S. Case No. 161 of 2015 passed by the learned S.D.J.M., Koraput is hereby quashed.

9. An urgent certified copy of this order be issued as per rules.

(R.K. Pattanaik)
Judge