

IN THE HIGH COURT OF ORISSA AT CUTTACK

CRLMC No. 1076 of 2021

***T.V.P. Jagadeeswari and
another***

....

Petitioner

Mr. R.K. Prusty, Advocate

-versus-

State of Odisha and another

....

Opposite Party

Mr. Karunakar Gaya, ASC

CORAM: JUSTICE V. NARASINGH

**ORDER
25.04.2022**

Order No.

06.

1. This matter is taken up through hybrid mode.
2. Heard learned counsel for the petitioner and learned counsel for the State.
3. The present CRLMC has been filed for quashing of the proceeding of G.R. Case No.157 of 2015, arising out of Mahila P.S. Case No.12 dated 30.01.2015, pending on the file of learned S.D.J.M. (S) Cuttack, inter alia on the ground of compromise between the parties.
4. It is stated at the bar that the Criminal case is an off shoot of the matrimonial dispute pending between the petitioner and Opposite Party No.2.
5. Learned counsel for the petitioner places reliance on the paragraph-10e of the petition filed under Section 13-B of the Hindu Marriage Act in the Court of Judge Family Court Cuttack in C.P. No.

80/2021 in which and petitioner No.2 is the second petitioner before this Court and petitioner No.1 before this Court is the mother of the petitioner No.2.

6. The recitals of the paragraph referred to by the learned counsel for the petitioner is extracted hereunder;

“(e) The petitioner No.1 will not prosecute the G.R. Case No.157/2015 corresponding to Cuttack Mahila Police State Case No.12/2015, which is pending before the learned SDJM(S), Cuttack against the Petitioner No.2 and his mother. The Petitioner No.2 will take shelter before the Honourable High Court of Orissa for quashing the afore mentioned G.R. Case according to law and the Petitioner No.1 will cooperate for the same, and will not neglect to do the same in any manner.”

7. The learned counsel for the parties place on record the judgment dated 19.03.2021 passed by the learned judge family Court Cuttack in C.P. No.80 of 2021 stated above and the order passed therein by which, the marriage solemnized between the parties was dissolved by decree of divorce on mutual consent. In paragraph 5 of the said judgment, the amicable settlement between the parties has been taken note of.

8. Learned counsel for the Opposite Party No.2 states that the assertions in the petition before the learned judge Family Court is

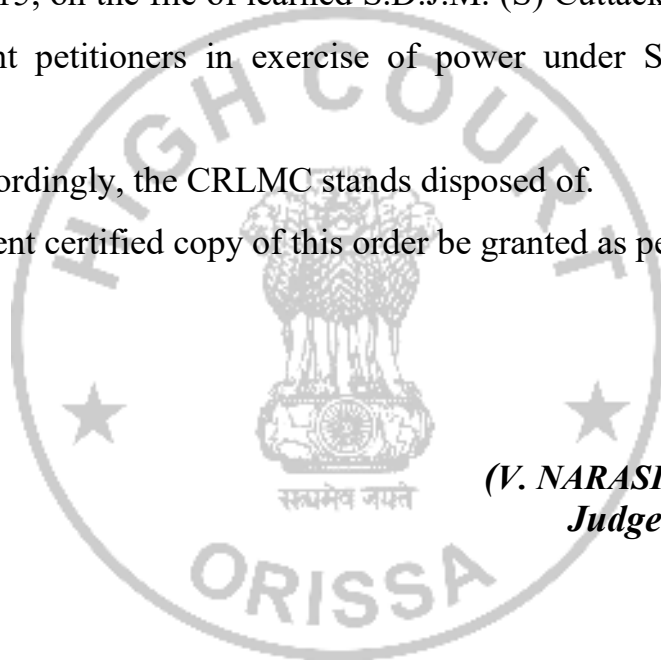
correct and is out of free volition and she no longer wants to pursue the FIR which is subject matter of challenge in the present proceeding.

9. Taking note of the settlement between the parties since no useful purpose would be served in directing them to face the rigors of trial, this Court in terms of the order passed by the apex Court in the case of ***Parbatbhai Aahir alias Parbatbhai Bhimsinhbhai Karmur and others v. State of Gujarat and another*** reported in ***AIR 2017 SCC 4843***, quashes the proceeding in connection with G.R. Case No.157 of 2015, on the file of learned S.D.J.M. (S) Cuttack, in respect of the present petitioners in exercise of power under Section 482 Cr.P.C.

10. Accordingly, the CRLMC stands disposed of.

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

Santoshi



(V. NARASINGH)
Judge