

IN THE HIGH COURT OF ORISSA AT CUTTACK

CRLMC No.4101 of 2015

Ranjan Kumar Rout

.... **Petitioner**
Mr. P.K. Das, Advocate

-Versus-

State of Odisha

.... **Opposite Parties**
Mr. T.K. Praharaj, SC
Mr. S.K. Das, Advocate for informant

CORAM:
MR. JUSTICE R.K. PATTANAİK

ORDER
12.10.2022

Order
No.

06.

1. Heard learned counsel for the petitioner and Mr. Praharaj, learned Standing Counsel for the State besides learned counsel for informant.
2. Instant petition under Section 482 Cr.P.C. is filed by the petitioner for quashing of the criminal proceeding in G.R. Case No.457 corresponding to Bhadrak Rural P.S. Case No.153 of 2015 pending in the file of learned S.D.J.M., Bhadrak on the grounds stated therein.
3. Perused the copy of the FIR which is at Annexure-1 which reveals that after the report was lodged, Bhadrak Rural P.S. Case No.153 dated 12th March, 2015 was registered under Sections 450 and 376(1) IPC. In the FIR the victim described the alleged incident and the manner in which the petitioner committed the sexual mischief.

4. Learned counsel for the petitioner however submits that in the meantime there has been compromise between the parties, inasmuch as, the informant/victim is related to the petitioner which is also revealed from the contents of the FIR i.e. Annexure-1. It is also submitted that the informant has recently married and settled in life and in so far as the incident is concerned, it has taken place in the year, 2015 and considering the aforesaid development and the marriage of the victim elsewhere, the criminal proceeding which is pending before the learned court below in G.R. Case No.457 of 2015 should be quashed in the interest of justice.

5. Learned counsel for the informant is present and he submits that in fact, there has been a settlement between the parties and informant has remarried recently.

6. The informant/victim is physically present in the Court today with her identity proof as she produced the original Aadhar Card and the same is perused. On being asked, the victim submits that she is recently married and happily settled and also admits the fact of compromise between her and the petitioner. It is also admitted by the informant that the petitioner is her relation.

7. Admittedly, offences alleged include one under Section 376 IPC. Later to the lodging of FIR and on completion of investigation, the charge sheet was filed under the aforesaid offence, whereupon, the learned S.D.J.M., Bhadrak took cognizance of all the offences by order dated 7th July, 2015, a copy of which is at Annexure-3.

8. Learned counsel for the petitioner submits that since the victim has married and settled in life and in view of the compromise

arrived at between the parties, the criminal proceeding which is pending before the learned court below should be quashed so as to bring peace and stability in her life. Mr. Praharaj, learned Standing Counsel for the State on the other hand submits that one of the offences is under Section 376 IPC and also refers to the allegations contained in Annexure-1 and the circumstances leading to the lodging of the FIR with the allegation of rape.

9. The informant is married and settled in life and she herself admitted about the same. It is claimed that the parties are relations. The circumstances under which the alleged mischief was committed have been narrated in the FIR. In fact, after the alleged incident when the petitioner's marriage was about to be settled somewhere else, the informant/victim lodged the FIR and made the allegation that she was raped during the night of the incident. In any case, the matter has been settled between the parties. The informant/victim appears to be well settled now. Though, there are restrictions by judgments of the Apex Court against the quashing of the criminal proceedings in respect of offenses, such as, murder, dacoity, rape, etc. but considering the peculiar facts of the present case and that the parties are related and that the informant/victim is settled in life after remarriage, the Court is of the humble opinion that the case is to be differently treated in order to ensure stability in the life of the victim in particular, the criminal proceeding which is pending before the learned court below in G.R. Case No.457 of 2015 should be quashed or else it may lead to further disturbance in her life. In other words, it is a fit case where the inherent jurisdiction of the Court should be exercised.

10. Accordingly, it is ordered.

11. In the result, CRLMC stands allowed. Consequently, the criminal proceeding in G.R. Case No.457 of 2015 corresponding to Bhadrak Rural P.S. Case No.153 of 2015 pending in the file of learned S.D.J.M., Bhadrak is hereby quashed.

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

(R.K. Pattanaik)
Judge

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