

IN THE HIGH COURT OF ORISSA AT CUTTACK

CRLMC No.1614 of 2022

Dhaneswar Sahoo

....

Petitioner

Mr. Hrudananda Mohapatra, Advocate

-Versus-

State of Odisha and Another

....

Opposite Parties

Mr. Sitikanta Mishra, ASC, OP No.1

Mr. Ramesh Sethy, Advocate for OP No.2

CORAM:

MR. JUSTICE R.K. PATTANAİK

ORDER

09.12.2022

Order No.

03.

1. Requisites need not be filed since opposite party No.2 has already entered appearance.
2. Heard learned counsel for the petitioner, learned counsel for the State and learned counsel for opposite party No.1.
3. Petitioner has approached this Court invoking its extraordinary jurisdiction for quashing of the proceeding in connection with Nihal Prasad P.S. Case No.42 of 2022 corresponding to G.R. Case No.85 of 2022 pending in the file of learned J.M.F.C., Gondia on the ground of compromise.
4. Learned counsel for the petitioner and opposite party No.2 submits that the matter has been compromised and it is a case of elopement of the daughter of opposite party No.2 by the petitioner and after such compromise, the parties have agreed to give her in marriage to the petitioner after she attains majority and under the above circumstances, since settlement has been reached at between

the parties, the criminal proceeding pending before the learned court below should be brought to an end.

5. An affidavit is filed by opposite party No.2, the mother of the victim girl, who is present in Court today and the said affidavit is perused and it is found that at the instance of the petitioner, the victim had gone to Puri along with him to visit Lord Jagannath temple and returned back. It is further stated therein that if the criminal proceeding initiated against the petitioner is quashed, opposite party No.2 has no objection. It is also claimed by opposite party No.2 that once the victim attains the age of majority, she would be given in marriage to the petitioner which has been agreed upon between them. On being confronted, opposite party No.2 admits the fact of compromise and above settlement reached at among themselves.

6. Mr. Mishra, learned counsel for the State submits that some of the offences are non-compoundable in nature and investigation is underway and chargesheet has not yet been filed.

7. Considering the aforesaid development and averments made by the parties and since this is a case of elopement although the victim returned back home and is in the custody of opposite party No.2 and in view of the settlement reached at between them that on attaining majority, she is to be given in marriage to the petitioner and in view of the law laid down by the Apex Court in the case of **B.S. Joshi and others Vrs. State of Haryana & Another** reported in **(2003) 4 SCC 675** wherein it has been held that inherent jurisdiction may be exercised taking into account the facts peculiar to a case, the Court is of the conclusion that in the facts and circumstances of the case, the inherent jurisdiction under Section 482 Cr.P.C. should be exercised to terminate the proceeding in G.R. Case No.85 of 2022 and accordingly, it is ordered.

8. In the result, the CRLMC stands allowed.

9. Consequently, the criminal proceeding in Nihal Prasad P.S. Case No.42 of 2022 corresponding to G.R. Case No.85 of 2022 pending in the file of learned J.M.F.C., Gondia is hereby quashed.

10. Issue urgent certified copy of this order as per rules.

(R.K. Pattanaik)
Judge

U.K.Sahoo

