

IN THE HIGH COURT OF ORISSA AT CUTTACK

CRLMC No.1653 of 2022

Chaitram Karuan and others

Petitioners

Mr. S.K. Mohanty, Advocate

-Versus-

State of Odisha and another

.... Opposite Parties

Mr. P.K. Rout, AGA

Mr. M. Das, Advocate for O.P.No.2

CORAM:

MR. JUSTICE R.K. PATTANAİK

ORDER

07.09.2022

Order
No.

02.

1. Heard learned counsel for the parties.
2. Instant petition under Section 482 Cr.P.C. is filed for quashing of the criminal proceeding in connection with Belpada P.S. Case No.0257 of 2021 corresponding to G.R. Case No.47 of 2022 pending before the court of learned S.D.J.M., Patnagarh on the grounds stated therein.
3. The court below has taken cognizance of offences under Section 376(2)(n) IPC and other allied offences by court's order dated 31st January, 2022. A copy of order cognizance is at Annexure-1 and the same is perused.
4. The learned counsel for the petitioners submits that in the meantime, petitioner No.1 and opposite party No.2 have married which is evident from the certificate of marriage, a copy of which is at Annexure-2. Apart from the above, opposite party No.2 has filed an affidavit dated 28th May, 2022 wherein she has indicated about the marriage and leading a peaceful life with petitioner No.1.
5. Learned counsel for opposite party No.2 appeared and conformed the fact regarding the alleged marriage vide Annexure-2

and also submits that parties are living together at present and leading a happy conjugal life. In fact, from the petition, it appears that there was a relationship between petitioner No.1 and opposite party No.2 which led to sexual intimacy but thereafter, the FIR was lodged under the circumstances narrated therein. In the meantime, parties have married which is revealed from Annexure-2, the fact which is not disputed by the learned counsel for the State either.

6. Learned counsel for the opposite party No.2 admits the fact of marriage. Having regard to the above facts and recording the submissions of the learned counsel appearing for the petitioners as well as opposite party No.2, the Court is of the view that notwithstanding taking cognizance of offence under Section 376(2)(n) IPC and other offences, in the peculiar facts and circumstances of the case when the parties are settled in life and being conscious of the position of law as enunciated by the Apex Court in **B.S. Joshi and others Vrs. State of Haryana** and another reported in (2003) 4 SCC 675 to the effect that inherent jurisdiction under Section 482 Cr.P.C may be exercised to quash the criminal proceedings in some situations and also in order to ensure peace and stability the life of petitioner No.1 and opposite party No.2 in particular, the present proceeding should be terminated.

7. Accordingly, it is ordered.

8. In the result, CRLMC stands allowed. As a corollary the criminal proceeding in G.R. Case No.47 of 2022 corresponding to Belpada P.S Case No.0257 of 2021 pending before the court of learned S.D.J.M., Patnagarh is hereby quashed.

(R.K. Pattanaik)
Judge