

IN THE HIGH COURT OF ORISSA AT CUTTACK

CRLMC No.2150 of 2018

Santosh Kumar Swain & others* *Petitioners

-versus-

State of Orissa & another* *Opposite Parties

CORAM: JUSTICE S.PUJAHARI

ORDER

04.08.2022

Order
No.

11. 1. This matter is taken up by Hybrid mode.
2. This application under Section 482 Cr.P.C. has been filed by the Petitioners for quashment of the order dated 19.12.2017 passed by the learned S.D.J.M., Bhubaneswar in C.T. No.2712 of 2017 wherein the learned S.D.J.M has taken cognizance under Sections 498-A/506/294/323/406/34 IPC and Section 4 of the D.P Act against them.
3. Pursuant to the order dated 27.07.2022, Petitioner No.1-husband and Opposite Party No.2-wife have appeared before this Court.
4. It is submitted by the learned counsel for the Petitioners that the marriage has been dissolved between the Petitioner No.1 and the Opposite Party No.2 and the permanent alimony has been deposited in the court below, no useful purpose is going to be served by continuing the aforesaid criminal prosecution against the Petitioners, which arose out of a marital discord.

5. It appears from the record that the case is being adjourned from time to time. The dissolution of the marriage between the Petitioner No.1 and the Opposite party No.2 has been passed without consent. The Opposite Party No.2 has not taken the permanent alimony deposited in the court.

6. When this Court asked the Opposite Party No.2 whether she is agreed to receive the permanent alimony which is deposited in the court and resolve all the disputes pending against the Petitioners on receipt of some more amount as averred by the Petitioners, Opposite Party No.2 has stated that she is not agreed to the same. But she stated that she wants to live with the Petitioner No.1 as his wife. However, the dissolution of the marriage between them having been passed, this Court is not inclined to refer the matter to the mediation centre of this Court even if the Opposite Party No.2 is not agreeable to resolve the dispute on receipt of the permanent alimony of Rs.8 lakhs and some more amounts. Therefore, the quashment sought for by the Petitioners on that ground is without any substance.

7. Accordingly, this CRLMC stands dismissed.

8. However, it is stated that in-laws members have been falsely prosecuted in this case. Therefore, dismissal of the CRLMC shall not stand on the way of the in-laws members to seek discharge and in that event, the court in seisin over the matter shall address the same in proper perspective.

9. Urgent certified copy of this order be granted on proper application.

(S. Pujahari)
Judge

PKS

