

IN THE HIGH COURT OF ORISSA AT CUTTACK

CRLMC No. 2618 of 2016

Benudhar Sahoo and Another Petitioners
Mr. Tathagata Sahoo, Advocate

-Versus-

State of Odisha and another Opposite Parties
Mr. Tapas Kumar Praharaj, SC for State, OP No.1
None for OP No.2

CORAM:
MR. JUSTICE R.K. PATTANAIK

ORDER
04.11.2022

Order No.

- 04.
1. Heard Mr. Tathagata Sahoo, learned counsel for the petitioner and Mr. T.K. Praharaj, learned Standing Counsel for the State. None appears for opposite party No.2.
 2. The present challenge is as to the entire criminal proceeding in G.R. Case No.978 of 2015 arising out of Derabish P.S. Case No.70 of 2015 pending in the file of learned Sessions Judge-cum-Special Judge, Kendrapara on the grounds stated therein.
 3. Perused the FIR at Annexure-1.
 4. It is submitted that after lodging of the FIR in Derabish P.S. Case No.70 of 2015, investigation was carried out and thereafter chargesheet has been filed against petitioner No.1. Learned counsel for the petitioners submits that petitioner No.1 and opposite party No.2 have married in the meantime and leading a happy marital life with the present petitioner and have been blessed with a girl child and considering the same, the criminal proceeding pending before the learned court below should be quashed in the interest of justice. While claiming so, learned counsel for the petitioners refers to the

document at Annexure-2 in proof of their marriage and other documents including Annexure-4.

5. Mr. Praharaj, learned Standing Counsel for the State submits that the parties have married and blessed with a child in the meantime.

6. Today parties are present in Court in person with their identity proof, such as, original Aadhar cards etc. On being asked, petitioner No.2 claimed that petitioner No.1 and opposite party No.2 have married and blessed with a female child.

7. Considering the aforesaid development and marriage between the parties, the Court is of the view that inherent power under Section 482 Cr.P.C. should be exercised to quash the criminal proceeding in G.R. Case No.78 of 2015 keeping in view the legal position with regard to quashing of the criminal proceedings which has been dealt by the Apex Court in the case of **B.S. Joshi and others Vrs. State of Haryana & Another (2003) 4 SCC 675**, wherein, it has been held that inherent jurisdiction may be exercised taking into account the facts and circumstances peculiar to a case.

8. Having regard to the facts and submissions of the parties, no fruitful purpose would be served in continuance of criminal proceeding. Accordingly it is ordered.

9. Consequently, the criminal proceeding in G.R. Case No.978 of 2015 arising out of Derabish P.S. Case No.70 of 2015 pending in the file of learned Sessions Judge-cum-Special Judge, Kendrapara is hereby quashed.

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

(R.K. Pattanaik)
Judge