

IN THE HIGH COURT OF ORISSA AT CUTTACK

CRLMC No.2810 of 2013

Rama Ch. Nayak & others* *Petitioners

-versus-

State of Odisha & another* *Opposite Parties

CORAM: JUSTICE S.PUJAHARI

Order
No.

ORDER
21.06.2022

05. 1. This matter is taken up through Hybrid Mode.
2. This application under Section 482 of Cr.P.C. has been filed by the Petitioners for quashment of the FIR in connection with Marshaghai P.S. Case No.109 of 2013 corresponding to G.R. Case No.530 of 2013 pending in the court of learned S.D.J.M., Kendrapara. The offences alleged against the Petitioners are under Sections 498(A)/323/506/34 IPC and Section 4 of the D.P Act.
3. Heard learned counsel for the Petitioners and learned counsel for the State. None appears for the Opposite Party No.2, when the matter was called.
4. It appears that the father of the victim lodged the aforesaid FIR against the present Petitioners, who are husband and in-laws of the Opposite Party No.2. Thereafter, opposite Party No.2 having stayed with the Petitioner No.3 as husband and wife, the Petitioners, who are husband and in-laws of the

Opposite Party No.2 have filed this petition for quashment of the aforesaid FIR.

5. On 17.09.2013, this Court directed the I.O to produce the victim before the court in seisin over the matter to record her statement under Section 164 Cr.P.C. Pursuant to the said direction, her statement was recorded on 26.09.2013. Learned counsel for the State today has produced the certified copy of the statement of the victim recorded under Section 164 Cr.P.C. wherefrom it appears that she has married the Petitioner No.3 and they are living happily as husband and wife and she does not want to proceed with the matter. The certified copy filed in Court today be kept on record.

6. Considering the statement of the victim recorded under Section 164 Cr.P.C. and on hearing learned counsel for the Petitioners as well as learned counsel for the State and the fact that the aforesaid case was lodged by the father of Opposite Party No.2-victim and the victim does not want to proceed with the matter as such no useful purpose is going to be served to continue with the prosecution as there is bleak chance of conviction in this case hereinafter. Hence, allowing the prosecution hereinafter shall be an abuse of the process of the Court. This Court, therefore, in exercise of the inherent power under Section 482 Cr.P.C. allows this Criminal Misc. Case. Consequently G.R. Case No.530 of 2013 arising out of Marshaghai P.S. Case No.109 of 2013 pending in the court of learned S.D.J.M., Kendrapara stands quashed. The court

concerned shall do the needful to close the proceeding in view of the aforesaid order, on receipt of the certified copy of this order or communication from this Court, whichever is earlier.

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

(S. Pujahari)
Judge

PKS

