

IN THE HIGH COURT OF ORISSA AT CUTTACK

CRLMC No.2291 of 2015

Dambaru Sahu and another

.... Petitioners
Mr. S.N. Mishra, Advocate

-Versus-

State of Odisha and another

.... Opposite Parties
Mr. S. N. Das, ASC

CORAM:
JUSTICE R.K. PATTANAİK
ORDER
12.08.2022

Order No.

06.

1. Heard learned counsel for the petitioners and learned counsel for the State.
2. No notice has been issued to the informant, namely, OP No.2 and therefore, he is absent.
3. Instant petition under Section 482 Cr.P.C. is filed by the petitioners for quashing of the criminal proceeding in G.R. Case No.354 of 2012 arising out of Jonk P.S. Case No.107 of 2012 pending in the court of learned S.D.J.M., Nuapada on the grounds stated therein.
4. Learned counsel for the petitioners submits the parties have married in the meantime and presently leading a happy conjugal life and therefore, the proceeding should be quashed. While contending so, the learned counsel for the petitioners produces an affidavit sworn by petitioner No.1 stating about the fact that he and the victim, namely, petitioner No.2 are staying together and have been blessed with a male child which is supported by a birth

certificate dated 29th June, 2016. In fact, petitioner No.2 also filed an affidavit dated 18th July, 2014, which is at Annexure-2 from which it is revealed that she is leading a happy conjugal life with petitioner No.1 and both are living together as spouses and out of their wedlock a male child was born, which was by then 10 months old.

5. Considering the above facts and the affidavit filed by petitioner No.1 so also Annexure-2 which is sworn by petitioner No.2 and the fact that both are now blessed with a male child, the Court is inclined to exercise its jurisdiction under Section 482 Cr.P.C. to quash the proceeding pending before the court below. In other words, in view of the subsequent developments, particularly the victim having married petitioner No.1 and leading a happy marital life and being aware of the settled position of law as laid down by the Apex Court in the case of **B.S. Joshi and others V. State of Haryana and another** decided on 13.03.2003 in SLP (Criminal) No.3416 of 2002 on the exercise of inherent jurisdiction, the Court is of the view that to restore peace and happiness in the life of the parties, the proceeding should be terminated.

6. Accordingly, it is ordered.

7. In the result, the CRLMC stands allowed. Consequently, the criminal proceeding in G.R. Case No.354 of 2012 arising out of Jonk P.S. Case No.107 of 2012 pending in the court of learned S.D.J.M., Nuapada is hereby quashed.

(R.K. Pattanaik)
Judge