

IN THE HIGH COURT OF ORISSA AT CUTTACK

CRLMC No. 1097 of 2016

Jamila Begum & Another Petitioners

Mr. Lalitendu Mishra, Advocate

-Versus-

State of Odisha & Another Opposite Parties

Mr. Sitikanta Mishra, ASC

Mr. A.K.Mohapatra, Advocate for O.P.No. 2

CRLMC No. 2203 of 2022

Jamila Begum & Another Petitioners

Mr. Lalitendu Mishra, Advocate

-Versus-

State of Odisha & Another Opposite Parties

Mr. Sitikanta Mishra, ASC

Mr. A.K.Mohapatra, Advocate for O.P.No. 2

CORAM:
MR. JUSTICE R.K. PATTANAİK

ORDER
01.12.2022

Order No.

13. 1. Heard learned counsel for the petitioners, learned counsel for the State and learned counsel for opposite party No.2, namely, the informant.
2. Instant petitions under Section 482 Cr.P.C. are filed by the petitioners for quashing of the criminal proceeding in connection with C.T. Case Nos. 3037 of 2015 & 3038 of 2015 arising out of Air Field

P.S. Case No. 166 of 2015 pending in the court of learned S.D.J.M., Bhubaneswar on the ground of compromise.

3. Perused the copy of the F.I.R. as at Annexure-1 which shows that the informant, namely, opposite party No.2 lodged the F.I.R., as a result of which, Air Field P.S. Case No. 167 of 2015 under Section 498-A,354 read with 34 IPC and Section 4 of Dowry Prohibition Act was registered. It is informed to the Court that in both the cases, chargesheets have been filed in the year 2015 itself. Learned counsel appearing for the petitioners submits that in view of the compromise between the parties, namely, petitioner No. 1 in CRLMC No. 2203 of 2022 and opposite party No.2 wife, the proceedings pending before the learned court below should be quashed in the interest of justice.

4. Learned counsel for opposite party No.2 is present in Court and confirms about the reunion between the spouses. Opposite party No.2 as well as petitioner No.1-husband in CRLMC No. 2203 of 2022 are also physically present in Court and on being asked both of them informed about the compromise and claimed that they are staying together and leading a happy marital life at present.

5. Mr. Praharaj learned counsel for the State on the other hand opposed quashing of the criminal proceeding on the ground that the offences are non-compoundable in nature despite a compromise and settlement reached at between the parties.

6. This Court perused the affidavits filed by opposite party No.2 wherein she claimed about a compromise between her and husband.

7. Considering the affidavits of opposite party No.2 and the compromise between the parties, the Court is of the view that no fruitful purpose would be served to allow continuation of the

proceedings before the court of learned SDJM, Bhubaneswar keeping in view the settled position of law laid down by the Supreme Court in the case of **B. S. Joshi & Others Vs. State of Haryana & Another (2003) 4 SCC 675**. The Court is of the opinion that inherent jurisdiction under Section 482 Cr.P.C. should be exercised in order to restore peace and stability in lives of the spouses, in particular and ensure cordial relationship between the parties as no fruitful purpose would be served to allow the proceeding in C.T. Case No. 3037 of 2015 to continue before the court below and therefore, it should be terminated.

8. Accordingly, it is ordered.

9. Consequently, the criminal proceedings C.T. Case Nos. 3037 of 2015 & 3038 of 2015 arising out of Air Field P.S. Case No. 166 of 2015 pending in the court of learned S.D.J.M., Bhubaneswar are hereby quashed.

10. Urgent certified copy of this order be issued as per rules.

(R.K. Pattanaik)
Judge